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TRANSACTIONS OF THE ROYAL HISTORICAL SOCIETY

SOME ASPECTS OF DYNASTIC POLICY IN THE BALKANS ¹

BY PROFESSOR R. W. SETON-WATSON, D.Litt., F.B.A., F.R.Hist.S.

It was not until the very turn of the 18th and 19th centuries that the first faint signs of recuperation began to show themselves among the subject populations of the Balkan peninsula, and by that time a more than usually rigorous form of foreign conquest seemed to have permanently imposed itself. And indeed, as we look back over the period of a century and a half in which the rebirth of the submerged nations has taken place, there is still little or nothing to explain the almost miraculous character of the change.

The native institutions which each of these races possessed at the time when the Turks first established their hold, were successively attacked and in the end obliterated, and it was necessary to build again from the very foundations: this was alike true from the political, the ecclesiastical and the social point of view. They of course ceased to possess military or police forces of their own, their aristocracies were wiped out altogether, and their budding industries effectually blighted. State and Church alike were deprived of the resources by which the royal power, backed by the great nobles and the hierarchy, might hope to shake itself loose from the numbing hand of its conquerors, and again become a nucleus of national effort.

The vast complex of questions henceforward conveniently referred to as 'the Eastern Question', assumed new aspects as racial, economic and religious problems pressed into the foreground, and as the amazing changes wrought in communications by land and sea (and of course in our own day by air), gave to certain nations specially warlike by nature, or to states enjoying an equable and varied climate, what amounted in

¹ This paper was intended to form the Presidential Address for 1948, which Prof. Seton-Watson was prevented by illness from reading. He has kindly made it available for publication in this volume of *Transactions*. [E.D.]

effect to new handicaps in the lottery of political relations. The onrush of Turkish conquest which sustained itself throughout the 15th, 16th and 17th centuries, was by the close of the latter turning to an internal decay so obvious that the Great Powers, and even some lesser powers, spent much time in speculating round the deathbed of the 'Sick Man'. In the 18th century the Balance of Power was greatly modified in favour of the Imperial and Austrian state under the guidance of the absolutist Habsburgs, and the Ottoman Empire, driven more and more on to the defensive, fought a series of land wars in which Austria and Russia—the latest of the Great Powers to secure a permanent seat in the counsels of Europe—subordinated their suspicions and their greed to the paramount necessity of overcoming Turkish resistance, when, it was assumed, they would be able to divide the spoils among themselves.

In the closing decade of the 18th century the Eastern Question took a new turn, thanks to the progress made both by Mediterranean and by extra-European trade and colonial ambitions : and it was generally recognized that the 'Concert', to use its later official title, consisted of four land powers, of which the two chief were the heirs of autocracy and reaction in Church and State, and two sea powers, France and Britain, whose rivalries imparted new importance to the eastern Mediterranean, and who in setting the command of the sea as their goal reserved to themselves a mobility and a power of adjustment such as the land powers could not hope ever to achieve. By this time two new factors stood clearly side by side, the increasing decadence of the Ottoman Empire and of the so-called Polish Republic ; but it of course still remained to calculate the length of time and the exact strength of the efforts which would be required to deal the death-blow in either direction.

It is always somewhat arbitrary to select the date of a great battle as a turning-point in national development ; but if ever this was justified, it was in the case of the battle of Kosovo in 1389, in which contingents of all the neighbouring states fought in the ranks of Tsar Lazar, the defender of the Slav cause against aggressive Islam. Fifty years were to elapse before the final fall of Constantinople, as the prime strategic point of Christian resistance ; and during that time the Christian states were even more fatally divided among themselves than had been the feudal fragments of the Latin brigands whose fathers respond in history—*lucus a non lucendo*—to the name of 'Latin Crusaders'. In the closing years of

Mohammed the Conqueror, who was already preparing his march to the conquest of Rome (with Otranto as the western equivalent of Gallipoli), Danubian and Balkan Europe consisted of eleven states: 1. Byzantium, still holding the Straits, but docked of Broussa and Gallipoli: 2. the new 'Empire of the Serbs and Greeks', bequeathed by the Serbian emperor Dušan to his son, now crumbling into a group of petty vassals in Macedonia and Zeta: 3. the remnants of the once formidable Bulgaro-Vlach kingdom, still stretching from Ohrid and Vidin to the Black Sea and the Danube delta, but reduced to virtual vassalage since the Serbs routed the Bulgars on the Marica River in 1371: 4 and 5. the kingdom of Bosnia, and immediately to the south of it the duchy of St. Sava (Hercegovina): 6. the free republic of Dubrovnik-Ragusa and the free city of Kotor (Cattaro): 7. most easterly of the western provinces, the kingdom of Croatia, vassal and ally of feudal Hungary: 8. the kingdom of Hungary, with its centre in Budapest, and roughly identical with the great Pannonian plain. After 1526 there must be added: 9. the principality of Transylvania, preserving an autonomy of its own under Hungary: and 10. and 11. the principalities of Wallachia and Moldavia, the two latter as 'buffer-states' between the Sublime Porte and the Kremlin.

From the standpoint of the Bosphorus these seemed to be an outer ring of the Holy Roman Empire, once more under the Habsburg sceptre, and the kingdoms of Bohemia and Poland. It is true that under the Turkish menace the lesser states occasionally obtained western help before Kosovo, from Louis of Hungary, and in the days of glorious offensive and counter-offensive from the knights of Burgundy and the Low Countries (1396, Nicopolis), and from Vladislav IV of Poland (1444, Varna), and that successive popes devoted treasure and even life itself to the cause of Christendom against the infidel.¹ But while the south Hungarian and Roumanian frontiers were bravely defended year in, year out, by Matthias Corvinus and Stephen the Great, Matthias in his later stages devoted far too much of his time and resources to driving his Habsburg rival Frederick from Vienna, which he now made his own capital city. Later, indeed, he also wrested most of Moravia from the hands of King George Podebrad, although he himself, in an earlier phase, had been George's son-in-law. Certain it is that the disasters which afterwards came upon Hungary, both in the political and social sphere, were due in

¹ The false news of victory at Kosovo had been celebrated by High Mass in Notre Dame de Paris, by order of Charles VI.

no small measure to the overweening ambitions of the man who is too often praised as the greatest of Hungarian kings.

When Serbia and Bosnia were finally submerged (1459-63), no serious help came from Europe to Pius II, and when the Ottomans achieved their supreme victory at Mohács in 1526, Ferdinand of Habsburg was left to organize alone the defence of Austria's hereditary dominions, and for this purpose to form the famous Military Frontiers in which Croats, Serbs, and Magyars showed almost equal prowess and powers of resistance, and which survived into the 19th century as one of the great military barriers of Europe. It is interesting to remember that Prince Eugene's memorable partnership with Marlborough was almost equally concerned with the barriers of the Scheldt and the Meuse, and those of the Sava and Danube.

It is obvious that a conflict so prolonged, imposed by an enemy whose whole political and religious outlook differed from that of their subjects, was bound to effect the most far-reaching changes and to substitute entirely new problems in Church and State: and if 1790—again a somewhat arbitrarily selected date—be accepted as the first landmark visible in a subsiding flood, it will be seen that under the Turks there had been four centuries of black darkness until the dawn came for either Jugoslavs or Roumanians. That the various stages of recovery came quicker in some parts of the peninsula than in others demands explanation, even if this must be restricted to a few brief phrases. It was due in part to geographical remoteness, to the paralysing influence of mountainous and wooded territories, rendering the visits of foreign travellers virtually impossible save along the narrow strip of the Dalmatian coast, whose inhabitants remained for centuries the pawns of Venice and Hungary, of emperor and sultan. That this isolation can hardly be exaggerated, appears from such literary fragments as the travel notes of Lady Mary Wortley-Montagu across southern Europe to Stambul, and those of the historian Kinglake, who a whole century later scarcely noticed the existence of Bulgarians as he passed through. There was a still more vital direction in which geography determined the course of political events, namely that the Bulgars and Serbs lay right across the main lines of communication of the Ottoman armies advancing northwards to their more distant objectives of Hungary and southern Germany. So long as the central valleys of the Morava and Vardar were held beyond all dispute, it was a comparatively easy task for the Turks to maintain their hold upon the rayah, to keep them virtually disarmed, and to kill several birds with one stone by imposing the famous blood-

tax which made of the Janissaries an instrument for the enslavement of their own kinsfolk left at home. Except, then, for the districts immediately bordering upon the Great Road, it suited the Turks well enough to leave the native population relatively undisturbed, and the local administration to a dual system of rough informal courts; and, still more important, to leave the Orthodox Church in possession of the souls of the faithful, thus deepening the gulf between conqueror and conquered until it became unbridgeable.

It is to be noted at this point that throughout the centuries any menace to Bosnia, and so the crowning menace of the 15th century, came not from the coast northwards, but from the great central plain of the Danube southward, by way of the valleys of the Morava, Vardar, Marica and Danube. What gave Bosnia so distinctive a character, quite apart from her geographical isolation, were the religious complications that followed a belated attempt of the Roman Church to exterminate those mysterious Patarine, Catharist and Bogomil heresies, and to the landed nobility calling in the Turks and accepting Islam rather than yield to the tenets of Rome—thereby, it is true, saving their lands as well as salving their consciences.

Meanwhile a rather different situation arose on the right flank of the Turkish advance into Europe. So long as they could hold the river front of the Danube, garrison the eastern borders of what we now know as Bessarabia and arrange for the provision of supplies and livestock for the armies and for the capital itself, it was a matter of comparative indifference how the country was administered, so long as it was kept effectually disarmed. Hence the great boyars, at the expense of much intrigue, grovelling, and backsheesh, retained their estates and made their own periodical bargains with the phantom hospodars or princes who bought the thrones of Bucarest and Jassy every few years from the Sublime Porte.

In the fresh war which Catherine and Joseph launched in 1787-90, with such extravagant hopes, not even a fragment of independence survived in all the wide territory inhabited by the four branches of the Southern Slavs.¹ For some generations past they had built their hopes of liberation upon the ambitious plans of the two great land powers for the final expulsion of the Turks from Europe. When things went badly under Leopold I their ancestors, with the Patriarch Arsen at their head, had found refuge on Habsburg soil, but their

¹ Unless an exception be made in favour of two little pin-points upon the map—the now decaying Republic of Dubrovnik-Ragusa and the stony wastes of the Black Mountain, which served a purpose as a refuge for altogether desperate rebels against Turkish rule.

flagging hopes revived in the war of 1737-9, and many thousands of Turkish subjects found refuge north of the Sava and staked their future prospects upon an Austrian victory. They were correspondingly disappointed when Austria found it necessary to restore to Turkey the lands she had held since the peace of 1718. Yet once again, in 1790-2, the Serbs staked their own hopes of liberation upon a joint Austro-Russian victory, and this time, under encouragement from their kinsfolk in the Military Frontiers, formed well-disciplined corps eager to redress the balance in favour of the Christian cause. But when they found themselves again surrendered to the Porte in 1791-2, their bitterness knew no bounds, and henceforth they looked in the first instance to native swords and native ranks, and only incidentally to the resources of the great empires.

In the account of the first Serbian revolution by which Leopold Ranke made his début as an historian, and which rests in the main upon the first-hand experiences of Vuk Karadžić, the great folklorist, more than one passage makes it quite clear that they would henceforth regard the 'Swabian' emperor as having failed to keep his word towards them, and as one whose superior power could at times be drawn upon, yet only on a basis of *quid pro quo*. Some writers have made the mistake of assuming that this or that particularly urgent appeal from the side of the insurgents rested upon an Austrophil, Russophil or Francophil basis. But all along the determining factor was that the distance from Belgrade to St. Petersburg or Moscow was more than twice that of Belgrade to Vienna,¹ and that Vienna had contacts and interests of her own among the Southern Slavs to which remote Russia, for all her Slav blood and Orthodox faith, could offer no equivalent. The history of Serbo-Habsburg diplomatic relations throughout the 19th century reveals many blunders on both sides, but nothing to suggest irrevocable decisions on one side or the other.

(ii.)

If we survey the situation as it existed round about the year 1800, we see that no one of the subject races possessed the leaders, the resources, or the international connections which were needed for a successful revolutionary movement. Here and there an old Roumanian boyar family could trace its descent to Stephen the Great or Constantine Brancoveanu,

¹ This was put quite clearly by KaraGeorge himself in his meetings at Zemun with the Austrian commandant, Baron Siembschen, in 1808.

though taking care to keep the fact discreetly in the background of day-to-day affairs. Here and there the Venetians had ennobled some of the native Slav families on their territory, a practice which was kept up by the French and later by the Austrians. But the tiny Phanariot clique which between 1714 and 1821 occupied the thrones of the two Principalities was utterly at the mercy of the Porte, never attained to any security of tenure, and was distrusted and loathed by the entire population: nor was it ever able to establish common interests with the new Greek trading class which sprang up as the result of Turkish neutrality while most other states were at war. The extent of the gulf which separated the classes was only fully revealed by the rising of 1821, when Alexander Ypsilanti, the son of a former hospodar, enjoying high favour with Tsar Alexander, took advantage of his position to spread the secret doctrines of the revolutionary 'Hetairia', fondly imagining that two provinces completely Roumanian in blood and sympathies would place themselves at the disposal of a movement which was as narrowly Hellenic as ever in tradition and aim. The completeness of Ypsilanti's miscalculations is an episode altogether unique in modern history. As for the Bulgars and Serbs, they were virtually without schools or culture of any kind, and while in the latter case the secular clergy never lost their national sentiment, and were able to hold the corrupt Phanariot bishops at arms' length, in the former case such few exponents of national culture as still survived were unable to prevent regular holocausts of irreplaceable Slav manuscripts.

It is not my intention today to examine the social structure of these states after four centuries of real slavery. Let it suffice to point out that at the two extremities of the territory specially difficult problems presented themselves. On the one hand the old native dynasties had long disappeared, leaving no one capable of conducting new experiments in government: and on the other the problems of national defence and liberation had clearly become insoluble from within. In practice this meant that new national leaders had to be created out of a political vacuum, and that those with the courage and ability to resist must be helped from outside to build up armies and organize supplies. It was thus obvious that those from whom alone a response could be hoped were unlikely to follow conventional lines, and that after them the finding of suitable successors would not be easy. This was indeed specially true of the first two Balkan leaders, KaraGeorge and Miloš Obrenović, neither of whom could sign his own name or

decipher a written document in his native tongue. Adherents of the latter have tried to condone the methods by which Miloš rid himself of his chief rival for the position of 'Chief of State' (Vrhovni Knež); and it may have been hoped to redress the balance by stressing certain grim episodes in the first leader's early career. Ever since Ranke wrote the first serious narrative of the insurrection, it has been usual to accept the story that KaraGeorge, on the occasion of his first flight across the Hungarian border, had killed his infirm and ailing father with his own hand, rather than leave him to the almost certain horrors of torture and impalement which awaited those who lagged behind. On the other hand, it cannot be denied that Miloš was from the very outset guilty of treacherous crimes quite alien to the impetuous nature of KaraGeorge. Most notorious of all was his secret demand for George's head from the mutual friend in whose house he was sleeping on his first return to lead a new rising. But worthy of equal reprobation was the judicial murder—this time effected by pressure upon the pasha of Belgrade—of Peter Moler, author of the first embryo system of justice in the infant state, and the murder of Bishop Nikšić, the first Orthodox prelate of the new era to espouse the cause of liberty against autocracy. It is far from my intention to compete in the cataloguing of discreditable incidents on both sides, but merely to demonstrate how little either man fitted into the pattern of 19th-century rulers.

Few contrasts can be more piquant than that between KaraGeorge and Miloš. The former Ranke has justly compared to one of the heroes of Serbian ballad poetry—a character of extraordinary strength, unconscious as it were of its own powers, brooding in the vague sense of dormant energies, till aroused to action by some event of the moment: but then bursting forth into vigorous activity, for good or for evil, as circumstances might direct'.

Miloš, for his part, was more stubborn and less subject to gusts of emotion, and was no less resolved to identify his own selfish cause with that of his country, and to stand or fall with it. It is rather a matter of difference in method: the final goal of both was liberty, but of a most primitive variety. George indeed had occasional glimpses of progress and self-government, and even of union with the neighbouring states. But Miloš preferred to deal with the sultan, as his former suzerain, and to employ every kind of trick and subterfuge, more worthy of an oriental pasha than of a Christian prince. Yet he never went so far as KaraGeorge who, as we already saw, conferred with the Austrian commandant Siembschen—

offering in 1808 and again in 1809 to hand over to Austria the six Turkish fortresses on the territory of Serbia proper, and even to invite the Archduke Charles to become the Statthalter of a new vassal Serbian state. This might indeed have been realized but for the intense jealousy with which the Emperor Francis regarded his soldier brother, and for the consummate intrigue by which the Russian agent in Belgrade learned the details of the project and succeeded in convincing the Austrians themselves that KaraGeorge was not serious in his intentions.

Many still cruder instances could be added to show how few of the attributes which Europe associated with princely rule were to be found in the two illiterate swineherds who first brought victory to the Serbian arms, and to explain why Francis and Metternich were so reluctant to deal with this mysterious new factor at their very gates. It would also be interesting to learn why Castlereagh no less than six times turned the Serbian delegates away from his door, when they came as defeated exiles to plead their cause, if it might be, before the statesmen assembled at the Congress of Vienna. The alternative, however, was that the new states, of which Serbia was the first to take shape, must be provided with adequate rulers enjoying the support and approval of the major Powers.

How often is it forgotten that the Serbian rising forestalled the Greek by seventeen years, that the Roumanian 'revolution', if viewed in perspective, is seen to be far rather a clever arrangement with the Porte to keep the Roumanians quiet in the event of further trouble with the Greeks, and that the Bulgarian movement did not take serious shape till the sixties, and the Albanian not until our own century!

For a precedent we must probably go back to the occasion when Catherine the Great bestowed on one of her grandsons the Christian name of Constantine, in the calculation that he might restore the city and Church of Byzantium to a re-constituted Greek empire; and for a short time one of the Empress's chief lovers, Prince Potemkin, was thought of as king of a new vassal state of 'Dacia'. But the first name to be seriously mentioned as fit to fulfil Prince Eugene's dream of bringing back the Danubian plain and the western ranges of the Balkan Peninsula to the sceptre of the house of Habsburg, was that of Archduke Charles, the victor of Aspern, the first Imperial general to beat Napoleon in the open field. Napoleon, who has been wrongly credited with altruistic views upon the fate of both Turkey and Poland, dabbled repeatedly in Balkan solutions, planning, for instance, a line of strategic

points extending from the new kingdom of Italy, through Venice, Ancona, Dalmatia, Corfu, Morea, and actually achieving a real Illyrian state, with its centres at the two opposite extremes of Ljubljana and Dubrovnik. But with the victory of the Grand Coalition all Napoleon's daydreams vanished like smoke.

When it came to a settlement of the long wars in 1814-15, the sultan had regained something of his standing with the four powers of the future Concert: Russia had found it expedient to postpone the idea of Serbian independence, while extracting much the widest conditions of self-government hitherto promised to any of Turkey's Christian subjects: and—chronologically most important of all—KaraGeorge had in 1813 yielded to one of his fits of depression and taken refuge on Russian soil with a number of his closest adherents, while the consequences of Miloš raising the standard of Serbia for the second time in June 1815, on the basis of direct dealings with the Porte, were as yet not fully apparent.

In any case, Miloš obtained from the sultan not only effective autonomy for the principality of Serbia, but also recognition of hereditary right for the Obrenović family, and this as early as 1830, two years before Count Capodistrias, the first president of Greece, was murdered in a typically Balkan personal quarrel, and at a moment when the candidature of a Bavarian prince for the Greek throne was still very much in the air. In England, meanwhile, all interest was centred on the Greeks; influences as varied as those of Canning, Elgin, Byron, Cochrane and Richard Church kept Philhellene opinion in a ferment, and incidentally helped to prevent a rupture between the Turcophil Tory Wellington and Charles X, not the first Frenchman to be at one time an ardent reactionary and a friend of a free Greece. The decisive sea fight off Navarino, in 1827, put a final negative upon Turkey's recovery of naval power, and consequently upon Egyptian armies being sent to restore the sultan's authority on the mainland.

From all this it came about that the Serbs found themselves saddled with a superfluity of three native dynasties: Karađorđević, Obrenović, and Petrović-Njegoš of Montenegro. Meanwhile the Bulgarians and Albanians had as yet no native ruler even distantly in sight, the Greeks were still searching for a workable formula of government, and the Roumanians had princes who at best reigned rather than ruled, and pursued a devious course between the sultan and the Russian consuls. Unhappily this made inter-dynastic rivalry almost inevitable in Serbia, and a feud lasting from 1817, when the head of one

family gave orders for the murder of another, to 1868, when the latter's supporters murdered the one real statesman thrown up by the Obrenović, thereby unwittingly wrecking all schemes of Balkan union for a generation. Thence on to the year 1903, when the third generation since the dawn of liberty employed the most brutal forms of military conspiracy to wipe out once and for all the last survivor of the Obrenović. This sequence of events may be said to have lain like a dark cloud across a whole century of otherwise fruitful development. Truly, as one of Serbia's foremost poets of the time once said to me of the regicide of 1903, 'Ça manquait de style', and this was responsible for the poor opinion of Serbia held in Europe until the Balkan wars revealed her true metal.

(iii.)

The earliest candidate for the throne of the Hellenes was Prince Leopold of Coburg, who is still remembered in history as the first king of the Belgians, but who under other circumstances might have become Prince Consort to Charlotte of Wales, heiress of George IV. The premature death of this amiable princess, sprung from so unbalanced an union as that of the Prince Regent and Caroline of Brunswick, left Leopold suspended in air, far too realist to assume that he would become regent for a sick father-in-law in England, and with his eyes fixed upon any lesser thrones which offered themselves. When, however, it became apparent that the candidate, whoever he was, would have to bear the odium of the British government's successive decisions to reduce to a minimum the size of the new state, the chase soon passed into the coverts of Belgium, and Leopold discreetly withdrew behind the young and inexperienced Otto of Bavaria and modestly accepted the Belgian throne, together with the hand of Louis Philippe's eldest daughter. The veteran adviser of his niece Queen Victoria held the vantage-ground of Brussels for over thirty years after this interested renunciation, and doubtless congratulated himself upon his less romantic choice.

Needless to say, the search for a presentable candidate for an altogether new throne, or one to be refurbished after generations of neglect, was not easy. If no suitable initiative came from within, the problem would have to be solved by some kind of bargain between the interested powers, while rival delegations scoured Europe in search of a youthful prince to whom a doubtful adventure might appeal. Throughout the century, against the background of Balkan crises, there was a delicate balance of political forces which in its most concrete

form became a self-denying ordinance on the part of the reigning families of France, Britain and Russia, whenever a vacancy should occur upon a Balkan throne. This was the basis of the triple agreement out of which came first Navarino and three years later the London Agreement of 1830 for the independence of Greece: and a century later these same forces turned the scale when the three guarantor powers of 1830 found themselves allies in an European war. If indeed we stop to examine British policy towards the young Balkan states, we shall, it is to be feared, find in it little trace of either idealism or logic. In 1826 Canning had hoped 'to save Greece through the agency of the Russian name upon the fears of Turkey, without a war'. Unhappily Canning's abrupt removal after Navarino, and his succession in office by Aberdeen and Wellington, brought about one of the strangest volte-faces in foreign policy. But in the end Greek independence was accepted as inevitable, the Duke accepting Russia's victory in the land war of 1829 as 'an end to the Greek affair and to the Turkish Empire in Europe', and Aberdeen assuming that Turkey 'this clumsy fabric of barbarous power, will speedily crumble to pieces from its own inherent causes of decay'. With the coming of the Whigs to power in 1831, the real danger for Greece was over: but Palmerston in his first ten years of office showed neither interest nor sympathy for the Balkan states, and the history of the first British mission to Belgrade in 1837 under Colonel Hodges is highly significant, for Palmerston promptly allied himself with Prince Miloš in his opposition to constitutional reform, and left the Tsar to champion the cause of popular government in Serbia. Two decades later, in 1862, British liberalism under Russell espoused the cause of Turk and Austrian, and, undisturbed by the pasha's bombardment of Belgrade, actually went so far as to suggest leaving the pacification of Serbia in the hands of Austria. It was left to the saner policy of Lord Stanley to effect a compromise between the Porte and its nominal vassal. On one occasion Prince Michael silenced the British consular agent, Longworth, by expressing his inability to understand why it was that the Whigs invariably supported Liberal causes on the west side of the Adriatic, but vigorously opposed them on the eastern side of that same sea. Here it may be added that during the last century our record towards Greece and Roumania was even worse—notably, in the former case, the blockade of the Piraeus as a means of enforcing the bogus claims of the Portuguese Jew Pacifico, and, in the latter, the active participation of the British ambassador at Constantinople, Lord Stratford de

Redcliffe, in the corrupt anti-unionist elections in Moldavia. Both incidents, it will be remembered, led to the very verge of diplomatic rupture between France and Britain.

There is not much doubt that Byron, if he had lived, would have been offered the throne of Greece, though whether he would have accepted it will always remain conjectural. After his death voices were occasionally raised on behalf of selecting 'a private Englishman', and the name of Lord Stanley was seriously considered at the time when he first became Foreign Secretary in the cabinet of his father Lord Derby.¹

Letters written by Disraeli to his Egeria, Mrs. Brydges Williams, show that he judged aright in thinking that the Greek throne might not be regarded by 'the House of Stanley' as 'a dashing adventure'—this being obviously his own view of the affair. 'They are not an imaginative race, and I fancy will prefer Knowsley to the Parthenon.'

More serious was the amount of energy put by the now elderly 'Uncle Leopold' and by Queen Victoria herself into the search for a suitable candidate to replace Otto, now finally impossible since the revolution of 1862. For a time European diplomacy once more discussed the possibility of a vacant throne for a Coburg prince, and Palmerston was won by the queen for advocacy of Albert's brother Ernest. But it soon became obvious that this was incompatible with the pledges by the three Guarantor Powers, and had to be abandoned. The Greeks, however, saw otherwise than their mentors, and staged a new candidate in the person of Prince Alfred, duke of Edinburgh, Queen Victoria's second son. But it was not enough that he should win the most overwhelming plebiscite of modern times: dynastic feeling at most of the courts of Europe weighed the scales in favour of the seventeen-year-old Prince William of Denmark, who was henceforth to be known under the title of 'George I, king of the Hellenes'. Prince Alfred discreetly withdrew, and his successful rival reigned for forty-eight years, himself married a Russian Grand Duchess, became the brother-in-law of the Prince of Wales as of the Tsar, and also contracted close marriage connections with the Imperial German House. And in our own day another youthful prince of Greek-Danish stock has, under more auspicious conditions, achieved the position which fate snatched from the hand of Leopold of Coburg a century ago.

¹ The elder statesman was known in Greece as the translator of Homer into English verse.

(iv.)

During the middle decade of the 19th century events in Europe altered the complexion of dynastic policy in the Balkans. On the one hand the failure of the revolutionary movement of 1848-9 entrenched the three autocracies of eastern Europe and enabled them to treat each fresh crisis as it arose, on a purely monarchical basis. At the same time the outcome of the Crimean struggle, as expressed in the Treaty of Paris, and in a Concert of Europe more or less pledged to the *status quo*, secured a certain immunity for the new national states when setting themselves to achieve this or that solution of their own. In particular, the enemies of the Karagjorgjević dynasty found it possible to accomplish Prince Alexander's fall from power in 1858-9 and the return of the Obrenović dynasty : and this was possible through the selection of a moment when Austria, instead of dominating the Belgrade situation, was completely absorbed in preparations for the war in Italy. And only six years later the overthrow of the Cuza regime in Roumania and the election of Prince Charles of Hohenzollern were carried through in the very teeth of Austrian disapproval, because the Habsburg state was for the moment paralysed by Prussia's victory at Königgrätz and by the menace of a fresh Magyar rebellion.

These two *coups d'état* at Belgrade and Bucarest ushered in a new era when Balkan rulers sought to identify their personal ambitions with national currents of chauvinism (and this under the aegis of one or other of the Great Powers), though simultaneously circumstances favoured the growth of a lesser Balance of Power within the Balkan peninsula, which in some ways had more justification than the major Balance in Europe. This lesser Balance was still functioning when the Balkan Wars ushered in the first of the two World Wars, but it was effectually blown to pieces by the territorial settlements of 1918-19. The role played by dynastic ambitions and rivalries in south-eastern Europe might still have been of decisive importance : but the Second War brought political and social changes far more radical than anything which those countries had known for a century and a half : and with the whole structure of society drastically transformed the dynastic aspect of affairs fell into the background. What prospects of recovery there may be, obviously lie wholly beyond the limits set to our present inquiry.

MARRIAGE SETTLEMENTS IN THE EIGHTEENTH CENTURY

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IN the early eighteenth century, the arrangements by which the English aristocracy and gentry commonly provided for their families conformed to a standard pattern, the strict settlement, in which the essential questions were settled at the marriage of the eldest son. Not only was his immediate maintenance fixed and his wife's jointure, but the provision for the children of the marriage—how much they were to receive, in what form and when—was decided at the same time. In its essentials, the marriage settlement first secured that the family estate should in each generation descend to the eldest son. It did this by limiting the interest in the estate of the father of the husband and, after him, of the husband himself, to that of a life-tenant, and entailing the estate on the eldest son to be born of the marriage.¹ Secondly, the marriage settlement empowered both the father and husband to raise jointures for their respective wives and portions, i.e. capital sums, for their daughters and younger sons when they married or came of age; sometimes rent charges were provided for younger sons. The amount of the jointures and portions was specified in the settlement. Usually it was left to the parents to decide whether the portions were raised by mortgaging the estate or by some form of saving. The prudent course would have been to save, but the normal practice was to borrow.

Arrangements of this type were normally repeated whenever the eldest son of a family married. Their essence, so far as the provision for the children was concerned, was that the family estate remained intact in the hands of the eldest son, and the younger children were provided for by burdening the estate.

These arrangements present several contrasts with those customary a century earlier. Then, instead of a common pattern, there was a wide variety of methods, differing among themselves both in legal form and in substance. From the

¹ A life-tenant was entitled only to the income of his estate for his life, and could not sell or mortgage it for a longer period; a tenant in tail at this period was in a much stronger position, since he could, without difficulty, break the entail and thus acquire a fee-simple. See G. C. Cheshire, *The Modern Law of Real Property* (5th edn.), pp. 343-429. The simplest account of the strict settlement is Sir Frederick Pollock, *The Land Laws* (3rd edn.), pp. 110-20.

most common of these, the arrangements in the early eighteenth century differed, in the first place, as to the point of time at which the provision for the children of a marriage was normally specified. It was less customary in the early seventeenth century to specify this provision at the time of the marriage; much greater freedom was left to the husband and wife to decide the question when the time came. There was a difference also in the form of the provision for younger sons; capital sums raised on the family estate were relatively less common and estates carved out of the family estate more common. Lastly, where, in the seventeenth century, provision for younger children did take the form of capital sums, these were more likely than in the early eighteenth century to be raised by saving as opposed to borrowing.

The development of a common pattern, and the main features of the pattern, are to a considerable extent the result of technical changes in the land law. The difficulty in the early seventeenth century was that the main forms of settlement available were not sufficient to ensure a landowner, with certainty, both that an estate settled on an eldest son at marriage would descend intact to the eldest son of the marriage, and that the younger children, his own and his son's, would be adequately provided for.

The most stringent form of settlement which a landowner could adopt to achieve these ends resembled in many features the eighteenth-century strict settlement; he could settle an *estate for life* on his eldest son, at marriage, with remainder in tail to the eldest son of the marriage.¹ But in the early seventeenth century this method had a major defect, for the life-tenancy was liable to destruction by the life-tenant himself, as well as to forfeiture. In normal times it was the first of these possibilities that was important. After the husband had become life-tenant he could, so long as no surviving son had been born to his marriage, enlarge his life-tenancy into a freehold, thus ridding himself of any obligations to his younger brothers and sisters and becoming free to dispose of the estate as he pleased.² A landowner unwilling to run these

¹ The earliest example I know of, in print, of this form of settlement is dated 1556 (Joshua Williams, 'On the Origin of the Present Mode of Family Settlements of Landed Property', *Transactions of the Juridical Society*, 1855, appendix B). Earlier examples are occasionally met among family deeds.

² That it was this risk that deterred landowners from adopting the stricter forms of settlement is shown by the fact that, where the settlement was delayed until after a son had been born to the marriage, these forms were in fact employed. For examples see R. E. C. Chester, *Genealogical Memoirs of the extinct Family of Chester of Chicheley* (1878), i. 116; and Gervase Holles, *Memorials of the Holles Family*, ed. A. C. Wood, p. 119.

risks might, of course, wait until his eldest son had a male heir before settling the family estates on him ; that is, at the marriage he might provide only for the maintenance of his eldest son until his (the father's) death and for the wife's jointure, and leave the final disposal of the family estates to his will. Life-tenancies were not infrequently created by will. But normally it was necessary for a landowner, if he was to secure a satisfactory marriage for his eldest son, to specify, at the marriage, the property he would settle on him.

The main alternative method available was to settle on the eldest son at marriage an *entailed interest* in the estate. This was free from certain disadvantages of the more stringent form of settlement, but was even less effective in ensuring that the estate descended intact to the eldest son of the marriage and that the landowner's younger children were adequately provided for ; because, once the landowner was dead, the son could, by a relatively easy process, break the entail and become absolute owner of the estate.

It was for these reasons that landowners in the early seventeenth century very commonly settled only a part of the family estate on the eldest son at marriage, and provided for their younger children themselves by settling on them parts of the remainder of the estate either during their lifetime or in their wills. The eldest son got the largest share, but he did not get all. Moreover in many cases the legal interest he acquired did not prevent him providing for *his* children by a similar division of *his* estate.

About the middle of the seventeenth century the invention of a highly technical legal device, trustees to preserve contingent remainders, removed what had hitherto been the main deficiency in the more stringent forms of settlement, by protecting the interest of the unborn son of the marriage.¹ By the use of this device it was possible for a landowner to settle an estate for life on his eldest son at marriage and prevent him enlarging his interest. A landowner could now ensure that the estate remained intact until the male issue of the marriage became twenty-one ; the eldest son, being only a life-tenant, could not frustrate the provision for his sisters and younger brothers, and had himself to specify the provision which would, in fact, be made for his own younger children—for a life-tenant could mortgage his estate only for purposes

¹ W. S. Holdsworth, *A History of English Law* (1st edn.), vii. 112-13. The eighteenth-century tradition on the origin of this device is contained in William Blackstone, *Commentaries on the Laws of England* (4th edn., Oxford, 1770), ii. 172. See also Hardwicke's judgement in *Garth v. Cotton* (1753), E[nglish] R[eports] 21 Ch. 242.

and amounts laid down in the deed which created his life-tenancy. The changes in the form of this provision were also a result of this device; since the estate could not be sold or given away, provision had to take the form of lump sums or rent charges. And since the owner of the estate for the time being was only entitled to the income of the estate for life, it was to his interest to raise these lump sums in a way which made as small inroads as possible on that income, and, in most circumstances, this meant by mortgaging.

Strict settlements employing this device were widely adopted in the later seventeenth century, and by the early eighteenth century they were the typical way of settling estates and providing for the children among landowning families.¹ It is difficult to estimate, with any precision, to how much land at any given time they applied. Of a representative sample of landowning families, they were the normal method in all the noble families, in almost all the families of substantial squires, and in a much smaller proportion of the families of lesser squires. But even in families where they were normal, parts of the estate—for example, those purchased after the marriage settlement—might remain unsettled for long periods. Moreover circumstances might occur when the settlement was not renewed and when, as a result, the estate came into the hands of an owner who was not a life-tenant but a tenant in tail; this happened when a father died before his son came of age, and was likely to happen when an estate descended to a brother or a nephew. Minorities and broken successions were frequent in the eighteenth century and, on these accounts, a substantial amount of land belonging to families who normally strictly settled their estates, was temporarily removed from strict settlement. This is in addition to the cases where a strict settlement was broken, as the result of the deliberate action of a family, by a private Act of Parliament. For these reasons the acreage under strict settlement varied from time to time. But the study of a representative sample suggests that contemporaries were substantially correct in their view that, on an average, about one-half of the land of England was held under strict settlement in the mid-eighteenth century.² As the general move-

¹ This device was used in a settlement which, from internal evidence, can be dated 1655 (Orlando Bridgeman, C.J., *Conveyances: being select Precedents of Deeds and Instruments concerning the most considerable estates in England*, 2nd edn., 1689, p. 210). The earliest example I have found is dated 1647 (*Green v. Rooke* (1679-80), E.R. 21 Ch. 648).

² Sir John Dalrymple, *Considerations upon the Policy of Entails in Great Britain* (Edinburgh, 1764), pp. 57, 85. See, by the same author, *An Essay towards a general History of Feudal Property in Great Britain*, 2nd edn. (1758).

ment of property was in favour of the larger estates, the proportion tended to increase during the century.

The most important effects of the extension of the area under strict settlement have already been implied. There was much greater likelihood that the family estates would remain intact in the hands of a succession of elder sons, instead of being reduced by bequests to younger children. The importance of such bequests as a cause of the reduction of large estates in the early seventeenth century tends to be unduly minimized, as compared with the sales forced on landowners by heavy debt. Moreover, such sales, also, were less likely to take place under the strict settlement than in earlier times; the legal impediments to sale held estates together under burdens which in the early seventeenth century would have led to sale.

But was the estate kept intact at the expense of the younger children? Were they worse off, on the average, in the early eighteenth than in the early seventeenth century? As one would expect, the extent of the provision for younger children at both periods varied very widely according to parental affection and the circumstances of the family. But the likelihood was that a younger child would be better provided for in the latter than in the early period. Under the arrangements common in the early seventeenth century a landowner was not legally bound to provide his younger children with specified amounts, and even a fond father might, when the time came for him to make provision for them, be tempted to economize at their expense; indeed, this was one of the few large items of a landowner's expenditure which at a pinch could be cut.¹ Moreover, in the case of many younger children provision was, in the event, left to the discretion of the elder brother. 'The elder brother', wrote Thomas Wilson, 'must have all, and all the rest that which the cat left on the malt heap, perhaps some small annuity during his life or what please our elder brother's worship to bestow upon us if we please him, and my mistress his wife.'² Such complaints against the eldest son arose directly from situations created by the deficiencies of the forms of settlement available.

The provision under the strict settlement was usually more

¹ For some royalists the real cost of the Civil Wars was poor marriages for their daughters. See, for example, the marriages of the Verney family (F. P. and M. M. Verney, *Memoirs of the Verney Family during the Seventeenth Century*, i, chap. xxvii).

² Thomas Wilson, *The State of England Anno Dom. 1660*, ed. F. J. Fisher (Camden Miscellany, vol. xvi), p. 24. See also *Autobiography of Edward Lord Herbert of Cherbury*, ed. Sir Sidney Lee, p. 43.

generous, because it was specified at the marriage, after solemn family conclave in which considerable weight was given to the views of the grandparents, who were likely to be concerned to achieve a proper balance of interests between the younger children of the marriage, on the one hand, and the parents and the eldest son on the other. The fact that it was specified so far in advance of the time when the provision would actually have to be made had a similar effect. The provision was, moreover, more secure, for the children had a legal claim to the portions fixed for them in the marriage settlements of their parents.¹ According to the eighteenth-century tradition on the origin of the trustees to preserve contingent remainders this was indeed their main purpose—'to secure in family settlements a provision for the future children of an intended marriage, who before were usually left at the mercy of the particular tenant for life'.²

So far as the provision for younger sons was concerned, the important change was less in its scale than in its form. The increase in the proportion of younger sons of landed families who in the course of the seventeenth century left the country and sought a living in the law, the civil service, the army, and the navy is no doubt in part the result of the expansion of opportunities in these professions under the stimulus of war and increasing national wealth. But in part it was due to influences which were exerting themselves before the period of marked increase in the government service, particularly to the fact that under the strict settlement younger sons obtained their patrimony in a form which enabled them, even if it did not induce them, to supplement it in some profession. The pressure to obtain jobs, which is so central a feature of the English political system in the later seventeenth and the eighteenth century, derived much of its strength from this change.

To this point in the argument attention has been concentrated primarily on changes in the legal form by which provision was made for younger children, and with changes in substance only in so far as they arose primarily from changes in form. But there were important changes of substance in marriage settlements which originated independently of the changes in form. The most significant of these was the change in the relation between the size of the portion or dowry

¹ *Earl of Buckinghamshire v. Drury* (1762), in *Notes of Opinions and Judgments by Sir John Eardley Wilmot*, p. 208.

² Blackstone, *Commentaries*, ii. 172.

which the wife brought with her from her father, and the size of the jointure, the annual income which her husband settled on her to provide for her in case she survived him. The size of the provision which a man made for his wife's possible widowhood was naturally dependent on the amount of money she brought into the family, but the degree of the dependence differed at different times. In marriage settlements made in the early eighteenth century the portions are normally substantially larger, in relation to the jointures, than in settlements made a century earlier.

The common formula at the end of the seventeenth century for the relation of portion and jointure was £1,000 of portion for every £100 of jointure.¹ Contrast this with the three sample settlements relating to the 1650's given by Orlando Bridgeman, in which the amounts of portion to £100 of jointure are £750, £666 and £500 respectively.² These are representative of the marriage settlements of the middle of the century. In the early part of the century the general average of portions, in relation to jointures, is somewhat lower; when Sir Edmund Verney married the daughter of Sir Thomas Denton in 1612, a portion of £2,300 was matched against a jointure of £400 a year, and when, about the same time, Sir John Farmer married a daughter of Sir Henry Compton, a portion of £4,000 matched a jointure of £800 a year.³ These were typical of the proportions among substantial squirarchical families. The most popular book of precedents at the opening of the sixteenth century gives, in the case of a marriage to a widow—and widows were able to command favourable terms—a portion of £620 for a jointure of £100.⁴

What is the significance of this change? Does it mean that the terms on which marriages between landowning families were made were becoming progressively more favourable to the husband, that a larger share of the burden of maintaining the wife was being borne by her father?

One's first inclination is to suppose that the increase in

¹ This proportion was often specified in settlements. For examples see the settlement on marriage of Daniel Finch, second earl of Nottingham, in 1685 (10 Geo. II, Private Act, c. 14) and *Evelyn v. Evelyn* (1731), E.R. 22 Ch. 543.

² Bridgeman, *op. cit.*, pp. 196, 233, 80. Two of these settlements can be identified from internal evidence. The second concerns the marriage of Sir Richard Graham to Elizabeth Fortescue in or before 1660 (*Complete Baronetage*, ed. G. E. C., iii. 263; *Complete Peerage*, ed. Vicary Gibbs, x. 686). The third concerns the marriage, not long before 1653, of Henry earl of Winchelsea to the daughter of the duke of Somerset (*Complete Peerage*, ed. G. E. C., viii. 178).

³ Verney *Memoirs*, i. 55; *Farmer v. Compton* (1626), E.R. 21 Ch. 490.

⁴ William West, *Symbolaeography*, 3rd edn., 1594, section 82.

the relative size of the portion is nothing more than the automatic effect of the fall in the rate of interest. The portion was intended to provide an income to contribute towards the maintenance of the wife and, when the rate of interest fell, a larger capital sum was necessary to produce a given income. It is improbable, however, that this is the main, still less the sole explanation. In the first place, there was a strong convention that the wife's portion should be used to purchase *land*¹; and, while the rate of interest, as represented, for example, by the return on mortgages, fell between the early seventeenth and the eighteenth century, the rate of return on the purchase of land remained constant at about 5 per cent.² In so far, therefore, as portions were fixed with reference to the annual income they would yield, the relevant rate of return did not move in a way which would explain an increase in their size in relation to jointures. Moreover, the tendency to increase is visible within periods when the long-term rate of

¹ The commonest breach of this convention was the use of the portion to discharge the debts of the husband's family. See Historical MSS. Commission, *Portland MSS.*, ii. 169-70.

² The relation between the rate of interest and the price of land was debated in the later seventeenth-century controversies about reducing the legal maximum rate of interest. The advocates of reduction argued that it would increase the price of land, and that earlier reductions had had this effect (e.g., J[osiah] C[hild], *Brief Observations concerning Trade and Interest of Money* (1668), pp. 8-10). Opponents asserted that no such increase had, in fact, taken place (e.g., *The Observations of J. C. briefly examined* (1668), p. 32). Locke stated categorically that 'the years' purchase of land does not increase with the fall of interest' (John Locke, *Some Considerations of the Lowering of Interest and Raising the Value of Money*, in his *Collected Works* (10th edn., 1801), v. 52). Though his explanation is curious, Locke was right on the point of historical fact. The price of land, though it varied according to situation, remained about twenty times its annual value despite the considerable fall in the rate of interest. Mr. Brynmor Pugh has drawn my attention to Thorold Rogers' suggestion that this was the normal valuation of land in the fifteenth century (J. E. Thorold Rogers, *History of Agriculture and Prices in England*, iv, p. 100; *Six Centuries of Work and Wages*, p. 288). It is certainly the valuation at which the monastic lands were sold. It is also the valuation implied by the relative rates of taxation in the Tudor subsidy on income from land, and on the capital of persons rated on their moveables; and in the Commonwealth assessments. It is also implied in instructions about the rating for the poor rate in the early seventeenth century (Michael Dalton, *Country Justice*, 1635, p. 136). That this valuation corresponded to the facts and was not an arbitrary bureaucratic assumption may be confirmed from any collection of family deeds or from contemporary writings. To take a single example: Chancery, in 1631, recognized a bequest of land worth £52 a year as proper discharge of a man's promise to leave his wife £1,000 on his death (*Peacock v. Glascock* (1630-1), E.R. 23 Ch. 503). See also *The Autobiography of Sir Simon D'Ewes*, ed. J. O. Halliwell, i. 180, and *A Treatise of Taxes and Contributions*, in *The Economic Writings of Sir William Petty*, ed. C. H. Hull (Cambridge, 1899), i. 45-7. Valuation at twenty years' purchase was still the rule in the early eighteenth century (Giles Jacob, *The Country Gentleman's Vade Mecum* (1717), p. 47). After that, there was closer correspondence between the movements of the rate of interest and the return on the purchase of land.

interest did not fall, or fell so slightly that, merely as a matter of arithmetic, it could not have been responsible for the increase evident in the size of portions. The possibility cannot be excluded that the rate of return on investments other than the purchase of land did play a part in forming general assumptions about what was a fair distribution between husband and father of the cost of maintaining a wife, but it must have been a secondary part. The increase in portions does therefore indicate a change in the terms of marriage settlements in favour of the husbands. Why did this happen?

Contemporaries were apt to attribute the rising scale of portions to the greater competition in the marriage market of the daughters, especially the heiresses, of merchant families. Thus, towards the end of the century, Sir William Temple, whose own marriage negotiations had been difficult, wrote that he thought he remembered

within less than fifty years, the first noble families that married into the City for downright money, and thereby introduced by degrees this public grievance which has since ruined so many estates by the necessity of giving great portions to daughters.¹

Temple postdated the process; noble families, of course, married mercantile heiresses long before the seventeenth century; and even in the seventeenth and eighteenth centuries they married them less often than contemporary complaint might lead one to suppose. On the other hand, mercantile wealth was rising, probably more rapidly than national income, and, because of legal restraints on trade, a small number of merchants gained disproportionately from this rise. Mercantile heiresses, moreover, because of differences in the law of real and of personal property were more likely than were the heiresses of landed families to inherit their father's entire fortune. Therefore the portions which merchants could offer with their daughters were often larger than those offered by all except the very greatest landowners,² and the fact that few marriages were effected with noblemen does not defeat the general presumption that the competition presented by these merchants' daughters tended to drive up the level of portions which landed families gave their daughters. It does, however, suggest that it was a secondary factor.

¹ Sir William Temple, *An Essay on Popular Discontents. Miscellanea. The Third Part* (1750), p. 269.

² Sir Josiah Child is reliably reported to have given one of his daughters a portion of £25,000, substantially larger than the portions common among the landed aristocracy (Narcissus Luttrell, *A Brief Historical Relation* (Oxford, 1857), i. 192).

Probably a more important cause of the increase in portions was a relative fall in the number of eligible potential husbands among the landowning families. Some fall must have resulted from the substantial losses among the sons of landed families in the Civil Wars and in the wars against Louis XIV. In addition, there was the longer term movement of younger sons into government service and the army and navy. There was a greater likelihood in the early eighteenth century than in the early seventeenth that a younger son would remain a bachelor; some younger sons found life in the services and in London so expensive that they could not afford to marry.¹ But the deficiency of eligible husbands for the daughters of landowning families was not primarily the result of celibacy, as it was in France in the same period, but of the tendency of younger sons to become professional men and marry into other professional families.²

It has been argued thus far that the relative increase in portions reflects a change in the conditions of supply and demand in the marriage market; that, in crude terms, but not much cruder than contemporaries were apt to use in negotiating marriage settlements, it represents an increase in the price of husbands. The question must now be considered whether it does not also represent a change in the attitude of landed families to marriage itself, an increasing subordination of marriage to the increase of landed wealth, at the expense of other motives for marriage. It is easy to see how this would cause an increase in portions. The greater the importance attached to wealth as an object of marriage, the more necessary would it be for a landowner who wished to secure for his daughters good marriages to the eldest sons of landowning families to provide them with large portions.

Calculations of material interest have played an important part in marriages between propertied families in almost all periods. But there is evidence that in the early eighteenth century they were more important than for the early seventeenth century and for most of the sixteenth century, and that the material interests involved were more exclusively a matter of wealth.

¹ There is considerable contemporary comment on the increasing number of bachelors. 'I believe there are more bachelors now in England by many thousands than there were a few years ago; and probably also the numbers of them (and of single women, of course) will every year increase' (Richardson, *Sir Charles Grandison*, ii, Letter 11). See R. P. Utter and G. B. Needham, *Pamela's Daughters*, pp. 214-58. I owe these references to Mr. I. P. Watt.

² For the situation in France see J. Mathorez, *Les étrangers en France sous l'ancien régime* (Paris, 1919-21), i. 43-53.

There is first a strong general presumption that, in a period when political power was becoming more dependent on the possession of landed wealth, men sought the extension of their estates more continuously than in the sixteenth and early seventeenth centuries, when political power depended more on royal favour; and that they bent marriage—always a most effective method of acquiring more property—more systematically to the accumulation of landed wealth.

There is secondly contemporary opinion which, though necessarily subjective, appears to confirm the general presumption. To a contemporary observer like Temple it appeared not only that material considerations over-rode all other considerations but that this was a relatively recent development.

These contracts would never be made, but by men's avarice, and greediness of portions with the people they marry, which is grown among us to that degree, as to surmount and extinguish all other regards or desires: so that our marriages are made, just like other common bargains and sales, by the mere consideration of interest or gain, without any of love or esteem, of birth or of beauty itself, which ought to be the true ingredients of all happy compositions of this kind, and of all generous productions. Yet this custom is of no ancient date in England . . .¹

Temple clearly exaggerated the novelty of the development. But that his emphasis was right seems clear from the more objective evidence of the portions. For during the seventeenth century there was not only an increase in the size of the average portion in relation to the jointure; there was also the growth of a more uniform ratio between the portion and the jointure; or, more precisely, the deviations from the average ratio were fewer and smaller in the late than the early seventeenth century. In the later seventeenth century the standard ratio was £100 jointure for every £1,000 of portion. This did not mean that this ratio would be observed in every case. The position was well put by Lord Chancellor Hardwicke:

The law has entrusted the parents with the care of the marriage of their children; there are many considerations, which may induce them, besides strict equality in settlements—inclination of the parties—rank and quality of the person—convenience and propriety in families—bringing together and uniting different parts of the same estate; all these are proper reasons.²

¹ Temple, *op. cit.*, p. 268.

² Hardwicke, L.C.'s judgment in *Earl of Buckinghamshire v. Drury* (1762), in Eardley Wilmot, *op. cit.*, p. 221.

If the bride was young and beautiful, if her husband was much in love with her, if there was a prospect of her becoming an heiress, if she was of social status superior to his, the husband might accept a portion which, in relation to the jointure he settled on her, was below the standard ratio. In the reverse of any or all of these conditions he might be able to demand an abnormally large portion. But the standard ratio was clearly recognized as the basis for the bargaining.

The development of this conformity to a standard ratio suggests that the marriage market was becoming more perfect in one or both of two senses. Information about prospective brides may have become more widely diffused. Considerations other than the relative wealth of the parties may have become less important. That the first had some effect cannot be ruled out; as more estates became subject to settlement, an increasing amount of knowledge about marriage prospects became concentrated in a few London conveyancers. But the strong probability is that the second factor is more important, and that this development reflects a situation in which the acquisition of wealth was becoming the primary object of an increasing number of marriages.

This probability is strengthened by the changes in the jointure over the same period. The jointure was, in origin, the substitute, in the case of lands held under uses and subject therefore to equitable jurisdiction, for the widow's common law right to one-third of the real estate of her husband.¹ In the early seventeenth century the jointure, in a large number of settlements, was about one-third of the value of the estates which were settled on the husband. The notion that this was the proper proportion persisted strongly at the end of the century. When a landowner's settlement omitted to empower him to raise a jointure for his wife, and he sought to remedy this omission by private Act of Parliament, he was normally empowered to grant a single jointure up to one-third of the income of his settled estates.² The proportion was, indeed, not an arbitrary one; it bore some relation to the maximum which, in normal circumstances, an estate could be expected

¹ Holdsworth, *History of English Law* (3rd edn.), iii. 196-7; vi. 645-6. The statute law governing jointures at this period is contained in 11 Hen. VII. c. 20, and 27 Hen. VIII. c. 10. The case law is conveniently summarized in Wilmot's judgment in *Earl of Buckinghamshire v. Drury* (Eardley Wilmot, *op. cit.*, pp. 184-226).

² See, e.g., the jointure fixed by 29 G. II. Private Act, c. 29, and C. C. Brookes, *A History of Steeple Aston and Middle Aston, Oxfordshire* (Shipston on Stow, 1929), chap. xvi.

to bear during a widowhood without encroaching unfairly upon the interests of the children.

But marriage settlements in the later seventeenth century increasingly departed from this proportion. This may have been because, once it was certain, as earlier it had not been certain, that provision for the children would not fall upon the widow, there was less reason to provide her with so high a proportion of the income of her husband's estate. But it is difficult to avoid the impression that the increasing flexibility of the jointure in relation to the husband's income is another consequence of the increasing subordination of marriage to the accumulation of wealth. A man who was particularly anxious to make an advantageous marriage was apt to persuade himself that he could, without impairing the provision for other members of his family, offer much more than one-third of his estate. Thus when Louis de Duras sued for the hand of the daughter of Sir George Sondes, he offered a jointure equivalent to the whole of his annual income.¹ Naturally enough the jointures tended to be smallest, in relation to the husband's income, in the case of the very greatest landowning families for whom, in normal circumstances, wealthy marriages were both less urgent and easier to effect.²

It has already been argued that the new arrangements for providing for children reduced the possibility of the division or diminution of estates. The question now falls to be considered whether they contributed positively to the accumulation of estates.

Of the factors which contributed to the increase in the size of estates in the eighteenth century, marriage was the most important. Of these marriages, those with heiresses attracted most contemporary comment. Such marriages have at all times been an important source of accumulation of property; Sir Simon D'Ewes, in the early seventeenth century, took it for granted that 'it was the greatest honour that can betide a family, to be often linked into the female inheritresses of ancient stocks'.³ From the later seventeenth century, however, they were sought more systematically. It is not a question of a family marrying one or two heiresses but, in

¹ *Earl of Feversham v. Watson* (1677), E.R. 22 Ch. 178, 1042; E.R. 23 Ch. 242. All Duras's matrimonial ventures are informative; see Sir John Reresby's *Memoirs*, ed. A. Browning (Glasgow, 1936), pp. 459, 471-3.

² For example, Wriothsley, third duke of Bedford, settled a jointure of £3,000 a year on his wife (11 G. I. Private Act, c. 29). The income of the Russell estates about this time was over £20,000 (G. Scott Thomson, *The Russells in Bloomsbury 1669-1771*, p. 101).

³ D'Ewes, *Autobiography*, p. 308.

many families, of a continuous succession of such marriages.¹ This was clearly due, in part, to the new legal forms, which made it easier to conduct a long-term policy of estate accumulation in this way, because they allowed greater weight to be given, when a marriage was being considered, to the family's long-term views on the interests of the estate, as compared with the personal inclinations of any particular eldest son. They made it easier for landowning families to bargain with each other, to enter into long-term commitments about their estates and to honour them.

Marriage with heiresses, as a factor in estate accumulation, has, however, overshadowed marriage to brides who were not heiresses but had large portions. The fortunes of the greatest heiresses were larger than the largest portions, but there were fewer heiresses. Moreover, the estates of an heiress were sometimes settled, after the death of her husband and herself, away from her eldest son, and there was no permanent accession of land to her husband's family estate.² Marriage with a daughter who was not an heiress but who had a large portion normally resulted, on the other hand, in an accession of land which descended to the eldest son and remained permanently in the family. For the portions were usually spent, by the family receiving them, on the purchase of land. Since they were almost invariably raised, by the family paying them, by mortgage of the family estates, the landowning class as a whole was mortgaging to buy more land, in effect 'raising itself by its own boot straps'.

In this way the spread of the arrangements associated with the strict settlement positively promoted the accumulation of estates and did not merely negatively impede their dispersion. But did the arrangements tend to the advantage of any particular class of landowner, the great territorial aristocracy, for example, as opposed to the smaller squires?

Those landowners were likely to suffer, whether great or

¹ Between the late seventeenth and the late eighteenth century, in the family of the earls of Guildford, the eldest son in five successive generations married an heiress, and the father of the prime minister married three. Of the four eighteenth-century earls of Bute, three married heiresses, and one of them, the first marquess, married two. Between 1654 and 1736 the eldest son in four successive generations of the Watson family, earls of Rockingham, married an heiress. The Wentworth estates, acquired by the first of these marriages, descended to a younger branch of the Watson family, and came ultimately by marriage to another great landowning family, the FitzWilliams, which, between 1638 and 1744, four times married heiresses. Between the late seventeenth and the late eighteenth century, four out of the five successors to the Grafton estates married heiresses.

² *The Complete Peerage*, ii. 441; v. 35.

small, who had many children, especially daughters, to provide for. Family fortunes were at the mercy of the birth- and death-rates. Children, no doubt, have been an economic liability in many periods, and landowners are always liable to provide for their children more generously than is warranted by the long-term economic position of the family estates. It is not difficult to recall families in the sixteenth century, for example, who became heavily indebted because they gave their children large portions.¹ What made a large number of children more of a liability from the later seventeenth century, and parents more likely to make over-generous provision for them, was the fact that the provision was specified at the time of the marriage, before the size of the commitment and the circumstances at the relevant time could be known. It is true that, to an increasing extent, the provision for each child was made to vary with the number of children, and that a maximum was often fixed for the liability. But the maximum tended to be high, and a large number of children—and among landowners, as among other classes, large families were increasingly common in the eighteenth century—pushed the provision to the maximum.

Those landowners were likely to gain who offered substantial jointures, since they could command the brides with the largest portions; these were usually the landowners with the largest gross rentals. And the effect was cumulative; a wealthy marriage in one generation put a family in a stronger position to make another in the next generation. Marriages on this pattern, therefore, tended to accelerate the rate of growth of great estates. The principal reason, however, why, in the first half-century of the strict settlement, owners of large estates bought at the expense of the gentry must be sought outside the operations of the new arrangements; primarily in the heavy taxation on income from land, which, in the case of the smaller landowners, was less frequently offset by the perquisites of office under the Crown.²

There is a final question to which an answer must be attempted. Why did not the debts incurred to pay portions ultimately grow so great as to force landowners to seek the relief of a private Act authorizing the sale of their settled estates, thus, over landowners as a whole, offsetting the increase

¹ E. F. Gay, 'The Temples of Stowe and their Debts', *Huntingdon Library Quarterly*, ii (1938-9).

² The new arrangements, however, increased the burden of taxation, for, in many cases, jointures and portions were specified as net amounts, free of taxes, and the burden on the landowner's income was correspondingly increased.

in estates due to the acquisition of portions? Had this happened, the eighteenth century would have seen, not a tendency for large estates to grow larger, but a continual process of expansion and contraction, in which an estate gained in one generation only to lose in a subsequent generation. On some estates, it is true, debts contracted to provide portions did, in fact, force sales; and, on other estates, sale was avoided only because the normal conventions were relaxed and the bride's portion used, not to buy land, but to pay her husband's debts. But, over landowners as a whole, the land sold to pay debts incurred to pay portions was substantially less than the land bought with portions.

This was probably a consequence of the fact that strict settlement was not widely adopted until the late seventeenth century. Only then, therefore, on many estates, did large debts begin to be regularly incurred in providing for children; and where these were the only important debts they might accumulate for three or four generations before becoming sufficiently onerous to compel sale where this involved the expense and publicity of a Private Act. Provision for children was far from being the only source of debt among eighteenth-century landed families, and was certainly not the cause of their most spectacular debts, which were due to personal extravagance, excessive building and election expenses. This should not, however, obscure the fact that such provision was a more typical and widely diffused cause of debt. Indeed, the strict settlement tended to reduce the likelihood of heavy debts being incurred on other accounts; a life-tenant could not mortgage his estate except for purposes specified in his settlement, that is, in most cases in the early eighteenth century, only to raise portions. Estates could stand mortgaging for this purpose precisely because they could not easily be mortgaged for other purposes.

Nevertheless, the debts on this account could not have continued to increase indefinitely. Already by the middle of the century they had brought some families to a precarious position. What in fact saved the great landowners from a substantial reduction of their estates was the spectacular increase in incomes from land later in the century, when war, industrial revolution and population increase came to their rescue.

ANGLO-SCOTTISH RELATIONS, 1603-40

By MISS C. V. WEDGWOOD, M.A., F.R.Hist.S.

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CLARENDON, in his *History of the Rebellion and Civil Wars in England*, states that the disturbances in Scotland which preceded the Bishops' Wars came as a shock to the English councillors of King Charles I. It seems probable that they came as a shock to King Charles himself. The unexampled authority that his father James VI had succeeded in establishing for the Crown in Scotland—an authority which he continued to exercise at long range when he became king of England—was something which Charles I had learnt to take for granted.

His father, addressing his English Parliament in 1607, had announced with pardonable satisfaction :

Thus I must say for Scotland and may truly vaunt it : here I sit and govern it with my pen : I write and it is done : and by a Clerk of the Council I govern Scotland now, which others could not do by the sword.¹

There were signs of a weakening in this authority before King James died, if only in the steady increase of lawlessness on the Borders and in parts of the Highlands. But the dominion of the Crown over the major part of the kingdom still appeared intact.

It was therefore all the more startling to his son when the challenge to the royal authority first began to assume a violent form in Scotland, where he had least expected it to do so. Still less had he expected his English subjects to make common cause with his Scottish subjects against him. These two miscalculations, first as to his power in Scotland and secondly as to the state of popular feeling between Scots and English, were fatal to him not only in Scotland but, as it turned out, in England as well.

The consideration of these errors and their possible causes was the starting-point of my present enquiry into what, for brevity's sake, I have rather loosely called Anglo-Scottish relations. A more explicit title would perhaps have been Anglo-Scottish relations, with special reference to the authority of the Crown, between the union of the kingdoms and the breakdown of the personal rule of King Charles I.

¹ *Parliamentary History of England* (London, 1806), i. 1110.

Three phases may be distinguished in the span of thirty-five years which divides the Union of the Crowns from the signing of the National Covenant and the outbreak of revolt in Scotland. First there was the initial short phase during which the king and his two councils, Scottish and English, worked earnestly towards the closer union of the two countries. This phase came to an end when the projected scheme for the Union met with the vehement opposition of the English House of Commons. Since it had become apparent, during the negotiations, that the scheme was almost equally distasteful to both countries, King James abandoned the idea for the remainder of his reign, the only significant move during this second quiescent phase being the steady reorganization of the Scottish church to bring it more closely into line with the Anglican model. The third phase, during which this policy was intensified and combined with a reorganization of the Scottish Privy Council, began with the accession of King Charles I in 1625 and entered on the acute stage which led to the revolt with the king's visit to Scotland in 1633. During this period it was commonly believed that the reorganization of the Scottish Church was to be a step towards its amalgamation with the English Church and that this was in turn to lead on towards a closer union of the two nations. Whether this was true or not, the curious paradox remains that the king's policy, by bringing into being the same kind of opposition in both countries, did in fact bring his subjects of both nations much closer together than ever before, although not at all in the way he had intended.

To return to the first phase: the phase of open effort towards a closer Union of the Kingdoms. King James VI entered on his English inheritance with high and statesmanlike hopes, and also with that optimistic zeal which was one of his most endearing characteristics. He was aware of the technical and emotional problems which the new situation presented but was, it would appear, fully confident of his power to deal with them.

Speaking to the congregation assembled in St. Giles' on his last Sunday in Edinburgh before he left for England in April 1603, the king announced:

My course must be . . . to establishe peace and religioun and wealth betwixt both the countries. And, as God has joynded the right of both the Kingdoms in my persoun, so yee may be joynded in wealth, in religioun, in hearts and effectiouns. And, as the one countrie has wealth, and the other has multitude of men, so we may part the gifts and everie one as they may

doe to helpe other . . . And . . . as I have a bodie als able as anie King in Europ, whereby I am able to travell, so I sall vissie you everie three yeere at the least.¹

A year later, in July 1604, he set up a joint Commission of both countries to draft a plan for the Union and in October he sent for the Scots Chancellor, the earl of Dunfermline, to London to assist in working it out.² The king followed this by a proclamation 'dischairging and discontinewing the severall names of Scotland and England' so that the 'hole island with the dependences and pertinentis of the same . . . sall keep in all ensewing ages the united denominatioun of the invincible monarchie of Greit Britane'.³ This alteration of two time-honoured names by no other authority than the royal prerogative was ill-received in both countries, where from that day to this the general term Great Britain and its colourless subdivision into North Britain and South Britain have never really penetrated into the vernacular. As for the Borders, they were, as the king had declared at Berwick on his journey to the south, 'borders' no longer but 'the verie hart of the cuntrey',⁴ and he was anxious to win a general acceptance for a term of his own invention, the 'Middle Shires', as their new name. The inhabitants of the re-christened Middle Shires were requested in future to behave themselves 'as becometh modest, quiet and peacable subjects, forbearing all violent, unlawful and extraordinary behaviour'.⁵ More than proclamations were, however, needed to control the borderers. Those on the Scottish side had celebrated the death of Queen Elizabeth and their king's accession to the English throne with a burst of renewed raiding over which Archbishop Spottiswoode in his *History* reproachfully shakes his head. 'The word no sooner came of the queen's death,' he states, 'than the loose and broken men in the borders assembling in companies made incursions upon England, doing what in them lay to divide the two Kingdoms.'⁶ The borders, placed under the control of the Scottish Privy Council, and provided with an efficient border police, did however now begin to make progress towards more peaceful conditions.

The joint flag which King James next designed to distinguish the ships of both nations at sea was badly received in Scotland

¹ David Calderwood, *History of the Kirk of Scotland* (Wodrow Society: Edinburgh, 1842-9), vi. 215-16.

² Sir James Balfour, *Works* (Edinburgh, 1824), ii. 2.

³ *Register of the Privy Council of Scotland* (Edinburgh, 1877 seq.), vii. 17.

⁴ *Ibid.*, vi. 560.

⁵ *Ibid.*, vii. 81.

⁶ J. Spottiswoode, *History of the Church of Scotland* (Spottiswoode Society: Edinburgh, 1847-51), iii. 137.

because the cross of St. George was superimposed on the cross of St. Andrew, an arrangement which the King's Council ventured to suggest might 'breid some heat and discontentment betwix your Majesteis subjects'.¹

It was found when the proposed terms of a closer political and economic union were laid before the English Parliament in the winter of 1606-7 that there were more important things than flags to breed heat and discontentment between the king's subjects. The proposals for freedom of trade between the two countries and for the admission of Scots on equal terms into English trading companies struck against the vociferous and ill-mannered opposition of the English merchants.

The Scots, although more amenable, were on the whole relieved that the onus of opposing the king and preventing any closer union with the neighbour nation had been conveniently shouldered by the English. Although the Scottish Privy Council thought it necessary to object to the offensive tone of some of the speeches made in the House of Commons, there was a broad hint of relief in the letter which they sent to the king:

It is no littill greif to us to heir quhat just causes of discontentment are ministrat unto your Majestie at all these meetings for enforceing that Union, *so greatlie hated by thame and so little affected by us*, except in that religious obedyence we aucht to your Majestie not to dislike anything that lykis you.²

Their religious obedience, thanks to English opposition, was strained no further; the Scots Parliament passed the Union subject to its passage through the English Parliament as well, and in the English Parliament it suffered shipwreck.

A letter from the three Estates of the Scottish Parliament, when the danger was over in August 1607, has some significant phrases:

We nevir meant, to except aganis onie confounding as it wer of these two before separated Kingdomes in one glorious monarchie and impyre of the whole Yle, bot onlie that this your Majesteis auncient and native Kingdome sould not be so disordourit and maid confusit by turneing of it, in place of a trew and friendlie Unioun, into a conquered and slavishe province to be governed by a Viceroy or Deputy, lyke suche of the King of Spaynes provinceis as your Majestie . . . made mention of.³

The reference to Spain which James had made when expounding the Union to his English subjects had been singularly tactless to the Scots. The Spanish dependencies to which he had vaguely compared Scotland were Naples and Sicily;

¹ *Register*, vii. 498-9.

² *Ibid.*, 535.

³ *Ibid.*, 536.

there was however a closer parallel in the situation which had arisen between Spain and the Netherlands, a parallel which would be rather too obvious to any reasonably well-informed Scottish statesman at the time. The Netherlands had first given a ruler to Spain, and in the early stages of this union of sovereignty the Spaniards had resented the influx of Netherlanders into their country and the overweight of Netherlandish councillors and favourites round their king, just as the English in the early years of James's reign were resenting Scottish influence at the court. In the following generation the tables were turned, and an entirely Spaniolated king had provoked the Netherlands to revolt by treating them as a province of Spain. This familiar sequence of events from comparatively recent history made Spain an unfortunate example for James to place before his subjects. There was therefore general relief when the Union was shelved and the technical readjustments between the two kingdoms with the one king were reduced to a minimum : namely, the repeal of all hostile laws, the mutual agreement not to harbour each other's criminals, and the ruling that the *post-nati* (those born *after* the king's accession) should be regarded as automatically naturalized citizens of both countries.

For the rest of his reign James left the Union question alone, and considerable care was exercised to prevent any infringement of the separate rights of either nation. The Scots Privy Council effectively silenced an English borderer who had tried to cite a Scot in the Star Chamber,¹ and as late as 1632 we find a Scot referring a subpoena to appear before the English Exchequer to the Scots Privy Council lest by going to London in obedience to it he should create a precedent.² The naturalization of Scots, born before the Union, who were elevated to English peerages was carried out by separate acts of Parliament for each case in the usual cumbrous way. In the opposite and rarer event of Englishmen being raised to Scottish peerages, it is not quite clear what, if anything, was regularly done. Viscount Falkland certainly became a naturalized Scot³; but there seems to be no evidence either way as to whether Lord Fairfax of Cameron did so.

In so far as the king's policy of Union survived, it survived in his continued and drastic reorganization of the Scottish Church to bring it into line with the English one. But he handled the relationship between the two with considerable tact. There was, for instance, the important question of

¹ *Register*, ix. 489, 494-6.

² *Ibid.*, Second Series, iv. 583.

³ Balfour, ii. 81.

apostolic succession, which according to the Episcopalians had been broken in Scotland by the ascendancy of the non-episcopal Kirk. In England, apostolic succession, thanks to Cranmer, had been preserved intact. It was therefore evident that if the newly-appointed Scots bishops were to receive the laying on of hands in the correct manner, they must come to England for it. But the ceremony was not to be performed by the archbishops of Canterbury or York lest this should be held to imply that the Scottish Church was under the authority of either of these metropolitan sees. The bishops chosen to perform the ceremony were the bishops of Ely, Bath and London, whom one contemporary historian alleges to have been selected simply as 'the most ancient bishops' in England.¹

The precaution was essential, for even so obedient a servant of the king as John Spottiswoode, the archbishop of St. Andrews, felt very strongly on this point. A few years later he refused at the funeral of King James to take any other place in the procession except at the side of the archbishop of Canterbury. Having gained this point, he then found that he was expected to conform to English clerical customs and wear lawn sleeves. He refused and he was certainly within his rights, for the late king had regulated the apparel of Scottish bishops in considerable detail—coats of black damask, satin or velvet, and long gowns of velvet or other rich silk, and always 'thair tippet of Spanishe taffetty about thair necks'.² But when Spottiswoode failed to gain this second point, he refused to appear at the king's funeral, an act of a most unusual spirit from him which gained him the temporary favour of his compatriots, among whom he was not normally popular.³

This second phase of King James's policy towards Scotland is marked by the slow decline of the power of his Council in that country. Before he died, his boast that he could govern Scotland with the pen was no longer absolutely true, and his son succeeded to a power, the foundations of which were already crumbling. The theoretical authority and the actual loyalty of the Scottish Privy Council were as strong as ever, but its prestige was dwindling.

The first signs of this diminished effectiveness are to be seen in the serious recrudescence of disorders in the Highlands and on the Borders, which marked the closing years of James's reign, and to which danger signals the king would undoubtedly have paid more heed had not the affairs of England come by this time to occupy the foreground of his attention.

¹ Spottiswoode, iii. 209; *History of King James the Sixth*, ed. M. Laing (Edinburgh, 1804), p. 384.

² *Register*, viii. 614.

³ *Ibid.*, Second Series, i. 650.

The story of the Borders is particularly significant. The initial effort to turn the stormy debatable land into the peaceful Middle Shires had been extraordinarily successful. The iron gates of some of the border strongholds had been symbolically torn down and beaten into ploughshares¹ and Sir William Cranstoun by a ruthless policy of hanging and deporting temporarily checked the activities of the reivers. One entire border clan, the Grahams, selected as an example no one quite knows why, was systematically exterminated by the destruction of their houses and the deportation of the men. In the year 1606 'above a hundred and forty of the nimblest and most powerful thieves in all the border' ended their lives on the gallows.² Their names and nicknames in the reports of the Border Commissioners recall the days of heroic lawlessness commemorated in the ballads—Hob Armstrong of the Banks, Will Elliott called the Guide, Johnnie Noble called the Grip, Archie Milburne called Cold Archie, John Baty called Bide him Jock, and Andrew Armstrong, bastard son to Kinmont Willie, hero of the boldest rescue ever made from Carlisle castle, so much celebrated in local verse.³ Three years later the chancellor, Dunfermline, reported to the king with the utmost assurance that the Commissioners for the Borders had cleared them

of all the chiefest malefactors, robbers and brigands as were wont to reign and triumph there, as clean . . . as Hercules sometime is written to have purged Augeas his escuries . . . and has rendered all those ways and passages betwixt your Majesty's Kingdoms of Scotland and England as free and peacable as Phoebus in old times made free and open the ways to his own oracle at Delphos . . . These parts are now, I can assure your Majesty, as lawful, as peacable and as quiet as any part in any civil Kingdom in Christianity.⁴

The peace of the Middle Shires lasted about ten years. In 1621 King James ill-advisedly dissolved the small armed guard which had been created to keep order in the district. The troops had not been gone a year before the reivers were as active as ever. 'Thift increases michtilie in Annanderdaile, Eskdaill, Ewisdaill, and in the nether pairtis of Nithisdaill', it was reported, 'the lymmaris ar so insolent and unreullie, because thair is not ane gaird . . . that thai cair not quhat thai do, and sa in this waise the cuntrie is wraikit in all pairtis.'⁵

¹ Spottiswoode, iii. 156.

² Balfour, ii. 17.

³ *Register*, vii. 719-20.

⁴ *Domestic Annals of Scotland*, ed. Chambers (Edinburgh, 1858), i. 423.

⁵ *Register*, xii. 775.

A new joint Commission for the Borders was hastily set up, but it lacked the necessary backing of force and the country appears to have dropped steadily back into its endemic disorders. By 1635 an organized band of brigands was terrorizing almost the whole of the Borders. They are described as leading about

as well by day as by night ane armed power to attempt and committ diverse wicked and lewde attempts . . . by ill using, assaulting, wounding, mayming and wickedlie killing diverse of our subjects and others, robbing and spoyling of their goods and some taking and imprissoning and in prison keeping in extreme hunger and cold even unto death, untill they sall make great and greevous fynes for the redemption of their persons, and also committing murthers, manslaughters, burglereis, ravishmentis, robreis, felloneis, waists, besides burning of houses and barnes full of corne . . . and minassing and threatening with panes of life and death all such as sall in our courts of justice prosecute anie of the offenders for the offences foresaid.¹

Thus all that seemed to have happened on the Borders, until their local disturbances are submerged in the general agitation of the Civil Wars, was that the old border raiding with certain tacit rules and chivalries had given place to the ganging together of a ruthless dispossessed banditti.

The same disintegration of authority is visible in the Highlands and Islands. King James had initiated an extensive onslaught on Highland disorders and on the Highland way of life in general before he left Scotland. The famous outlawry of the entire MacGregor clan, who were thus handed over to the mercy of the Campbells and the Colquhouns, was dated the same week that he departed for England. The McLeods of Lewis were coolly dispossessed to make way for a company of gentlemen adventurers from Fife who saw possibilities of developing the island. That extraordinary chieftain, Patrick, earl of Orkney, himself an illegitimate kinsman of the royal family, who with a brood of illegitimate brothers and sons had established virtually a separate power in Orkney, deriving its revenues from piracy, was executed, with one of his sons, in Edinburgh. Meanwhile, a small naval expedition had been sent against the Western Isles and the major chiefs, having been kidnapped during a dinner-party on board one of the king's ships, the able and wily bishop of the Isles, Andrew Knox, persuaded those that were left to subscribe the Statutes of Icolmekill, a programme for the pacification of the Isles in which the chiefs agreed, among other things, to send their

¹ *Ibid.*, Second Series, v. 497.

eldest sons to be educated in the Lowlands. The king had, at the same time, continued his policy of settling the bloodfeuds of the northern nobility by a system of compulsory marriages between the leading families.

But in the second and third decades of the century the disorders began to multiply again. The McLeods proved altogether too much for the gentlemen adventurers from Fife, whose survivors twice beat a retreat before what the contemporary poet Lithgow has called, 'the desperate courage of these awful Hebrideans,'¹ twice came back, and finally sold their rights to the Mackenzies, thus leaving the 'awful Hebrideans' to fight it out between themselves. Beyond the immediate sphere of Campbell control, in the Western Highlands, the Camerons and the Mackintoshes were again carrying on furious warfare.² In 1624 the murder of two of the Gordons by the Crichtons of Frendraught undid years of pacifying work in the Eastern Highlands. When King Charles visited Scotland in 1633, the Privy Council commanded the 'principalls and chiftans of the clans in the Yles' to repair to Edinburgh to greet the king and to prove to the English visitors 'that the most remote part of this Kingdome and Yles thair of ar settled under ane perfyte obedience and peace'.³ The demonstration was a necessary piece of window dressing, for the power of the Privy Council to establish even the most imperfect obedience and peace was by this time more than doubtful. An outrageous case of wrecking on the coast of Lewis in the ensuing year seems to have gone quite unpunished.⁴

The decline in the prestige and therefore in the power of the Scots Privy Council which had begun under James VI was unintentionally accelerated by Charles I. It was not the least of this king's misfortunes that he was always too much of a Scotsman for England and too much of an Englishman for Scotland. In many ways he was the type of the absentee Scot, rootless in England and uprooted from Scotland, a type which the circumstances of the Union of the Crowns had made very frequent about the English Court. He surrounded himself from choice with men of the same kind: the duke of Lennox, the marquis of Hamilton, Will Murray. In this way he created for himself the illusion of being in touch with Scottish feeling when in fact he had lost contact with it.

The Council which James VI had left to carry out his will in Scotland had been well chosen, in the king's own eloquent phrase, of such men as he could correct or were hangable. But

¹ P. Hume Brown, *Scotland before 1700*, p. 295.

² *Memoirs of Lochiel*, p. 55.

³ *Register*, Second Series, v. 36-7.

⁴ *Ibid.*, vi. 212, 283.

they did also sufficiently represent the prestige and power of the Scots lords. Having created such a Council, he let it alone, merely filling the vacancies as they occurred. Charles I, a young man with ideas but no experience and very little acquired knowledge of Scottish politics, tampered incessantly both with the organization and the composition of the Council. He re-constituted it shortly after his accession, insisting on the exclusion of any members who were also Lords of Session. This not only removed men with the kind of legal experience and standing necessary on the Council, but also incapacitated its most assiduous attenders, because the judges only had to cross the road to reach the Council Chamber. Charles then, contrary to all advice, fixed too large a quorum. No king with an elementary knowledge of the transport problems of Scotland could have made so simple a mistake, particularly after excluding all those who found attendance easy. His subsequent steady appointment of the bishops to seats on the Council was chiefly intended to forward his Church policy, against which, especially the revocation of all grants of church land to laymen since the Reformation, the Council had at first warmly protested.¹ He may also have believed that clerics, with no family lands demanding their attention, could be relied on to devote themselves more exclusively to the work of the Council. But the very frequent changes that he made in its personnel produced an atmosphere of fidgets and intrigue very unsuitable to the conduct of affairs.

Thus, in creating what he thought would be a wholly obedient Council, Charles lost sight of the one essential, that it should also be an efficient Council, a united, respected and powerful body. He was to find, when he came to impose his Church policy, that the Council was willing but was impotent. He had fatally lessened its prestige and its effectiveness by omitting too many of the Scots lords who felt they had a right to sit on it. The most extraordinary omission was probably that of the young earl of Montrose whose father had been on the Council for over twenty years, whose grandfather had been chancellor and whose family tradition had been one of service to the Crown for the past century. The appointment of a coming young man of this background ought to have been automatic. There were other less startling instances of the same kind. The effect of such omissions was to create exactly what James VI had been most careful to avoid, namely a focus of discontent, combined with power and prestige, *outside* the Council. Thus at the same time Charles weakened his own

¹ *Register*, Second Series, i. 193-5.

Council and set up rival factions. In the course of his royal visit in 1633 Charles moreover added nine Englishmen to the Council in Scotland. These appointments were scarcely more than nominal, as the English were unlikely to be present again in Scotland after the royal visit, and moreover Charles might fairly have argued that the number of Scots with official appointments in England far outweighed the number of Englishmen with appointments in Scotland. Nevertheless this dilution of the Council by nominal members who were ignorant of Scots affairs was not calculated to strengthen its prestige.

This treatment of the Council is worth emphasizing, for nationalist resentment in Scotland—not so much against the English partner-nation, as against an absentee monarch—was steadily growing. The promise made by King James of revisiting his native land every three years had not been kept. He came back only once, in 1617; King Charles postponed his first visit until 1633—eight years after his accession. The loss to the smaller towns which had counted on the almost annual visits of their king to bring a bustle of visitors and trade was considerable. Perth was described by John Taylor the water poet as early as 1618 as being ‘much decayed, by reason of the want of his Majesty’s yeerely comming to lodge there’.¹ William Lithgow in his flowery welcome to King Charles in 1633 puts into the mouth of Scotland lines suitable to a deserted wife:

True, and most true it is, the Proverbe proves,
That age is still injur’d, by younger loves:
And so am I, thine eldest Region made,
A prey to dark oblivion’s winter shade.²

It was thus with a weakened Council and with a nation acutely sensitive to the fact that their king preferred his other kingdom that Charles set out to complete his father’s work and bring Scotland into religious conformity with England. Strong as was the purely religious element in the opposition which gathered against him, the nationalist element must not be underestimated.

Charles made a certain allowance for national feeling; but as it turned out, not nearly enough. The popularly miscalled Laudian liturgy, the new Service Book which he attempted to introduce in 1637, was in fact largely a Scottish compilation, and the bishops on whom Charles relied to introduce it in Scotland—Spottiswoode, Sydserf and the spirited Whitford,

¹ John Taylor, the water poet, *Works* (London, 1630), p. 134.

² William Lithgow, *Poetical Remains* (ed. J. Maidment; Edinburgh, 1863): ‘Scotland’s Welcome to her Natiue Sonne, and Sovereigne Lord, King Charles’, lines 21-4.

who read it with a pair of pistols on the pulpit in front of him—were pure Scots by birth, breeding and education. A certain amount of care had thus been taken by the king not to offend Scottish susceptibilities; but he lacked the imagination to see that his precautions needed to go far deeper. He could not wipe out the cumulative effect of his own and his father's absences, of the English appointments to the Privy Council, of the bustling up and down to London of the Scots bishops charged with the preparation of the Prayer Book. A sense of neglect and long-pent-up national resentment were strongly mingled with the religious feeling which caused the riots in Edinburgh at the introduction of this 'Popish-English-Scottish-Mass-Service-Book'. The document of protest drawn up by the opposition and largely managed by the noblemen whom Charles had deliberately and mistakenly kept off the Council, was significantly named the *National Covenant*.

This was, however, nationalism with a difference. The Scots were perfectly well aware that there was considerable opposition to the king's religious policy in England. They were careful to prepare an *Information for all Good Christians within the Kingdom of England* setting forth their case to possible sympathizers south of the border. King Charles for his part found when it came to a war with the Scots that, for perhaps the first time in history, the English were not prepared to fight even to prevent an invasion, so deeply were they infected with sympathy for the Scots revolt.

The royal miscalculation was not wholly inexplicable. King Charles seems to have made the mistake of judging the relations between the two peoples exclusively from the official knowledge he had of them, a knowledge based on the narrow limits of his own court and the various official disputes which came to his notice. Officially Anglo-Scottish relations had often been strained, and had never been really cordial since the Union of the Crowns.

The joining together of two nations of which one was incomparably the wealthier had been bound to produce some unhappy consequences. The English resented the influx of Scottish adventurers of all classes, and the Scots resented the English assumption that their commercial interests should always have the first consideration. The Union plan had broken down because English merchants would not admit Scots merchants to equal privileges with themselves, and although the Scots were glad enough that the plan had broken down, they resented the reason. Later there had been ugly disputes about the allotment of land in Nova Scotia, incontro-

vertibly started as a Scottish colony ; English adventurers had quite shamelessly attempted to get the charter to the Scots cancelled in their favour.¹ Again the Greenland Company of London not only trespassed in waters to which the Scots had been granted a prior right, but, in 1629, the Scots complained, 'seazed upon thair chellops, medled with all the provisioun being thairin, and have takin thair men prisonners and used thame with all rigour, sua that the shippes quhilks wer reiked furth for that voyage at ane verie great charge ar now returned emptie, to the heavie loss and discouragement of the undertakers'.²

In commerce the English undoubtedly had the whip hand and used it. Thus when the Scots, perturbed at the alarming increase in the consumption of English beer—a brew which had become astonishingly more fashionable than any native one—tried to keep it out by putting up the duty against it, the English instantly retaliated with a threat to raise the duty on wool and coal, the two chief Scottish exports, a counterblow which, if it had been put into effect, would have been disastrous to Scottish trade.³ However, an attempt by the English some years later, in 1623, to compel the Scots to sell all their raw wool exclusively to England was successfully resisted on the ground that a monopoly of this kind would enable the English to fix the price as they liked.⁴ Rumours and echoes of this foiled plan, so advantageous to the English, rumble on for some years ; the Commission appointed to enquire into the depression in the English cloth trade in the early years of Charles I, for instance, reproachfully cites the sale of Scots wool to foreign manufacturers as one contributory cause of the English depression.⁵

The English, for their part, saw very much the worst of the Scots during the early years of the century. It was evident that the more populous and more prosperous southern country offered better opportunities for the work-shy to pick up a livelihood. Gangs of sturdy beggars from Scotland soon found it worth their while to save enough to persuade friendly sea captains to set them down at convenient places on the English coast, whence they swarmed over the country in such quantities that it was necessary to issue five—evidently inadequate—prohibitions between 1606 and 1620 against the unlicensed carrying of 'beggarlie passengeris' to England. The prohibitions were felt to be essential for the preservation of good

¹ *Register*, Second Series, ii. 489.

² *Ibid.*, iii. 354-5.

³ *Ibid.*, ix. 591.

⁴ *Ibid.*, xiii. 777.

⁵ E. Lipson, *History of the Worsted and Woollen Industry* (Oxford, 1921), p. 109.

social relations between the countries, lest, as one order of the Privy Council phrased it, the crowding of 'idill suitaris and uncomelie people' into England should give an impression that there were 'no persones of good rank, comlynes nor credite' in Scotland.¹ Certainly the tone of some English lampoons on the Scots at this date do suggest that this was the impression made. A further order commanded all recruited soldiers going from Scotland to Europe to go direct by sea and not to cross over England, where the unruly behaviour of groups of Scots asserting themselves to be soldiers travelling to foreign wars 'procures the privat grudge and discontentment of the people of that land against his Majesteis subjectis of this kingdome'.²

King James himself was aware of the psychological difficulties presented by the arrival of a Scottish king with Scots courtiers in England. To do him justice—and he is a king to whom less than justice is persistently done—he sent back the greater part of his Scottish household servants as soon as he arrived in London and found Queen Elizabeth's palaces already fully staffed with Englishmen and women.³ His extreme liberality to his Scots favourites he excused to the Parliament of 1607 with the endearing phrase that both he and they had regarded the first three years of his reign as a sort of Christmas.⁴ On the whole he made a consistent effort to avoid or soften the jealousies which might arise between the two nations at and around the court. Thus when his eldest son was installed as Prince of Wales he created only five Scottish Knights of the Bath to twenty Englishmen, a very reasonable proportion.⁵

The insults that the members of either nation lightly hurled at the other were punished with considerable severity from time to time. Balfour records with evident pleasure the execution in Edinburgh of Thomas Ross, who had nailed up a number of anti-Scottish theses on the door of the University Church in Oxford and offered to defend them in disputation.⁶ An English traveller who, in course of a heated dispute with a Scot in a ship, lying off Civita Vecchia, was reported to have said that 'any merchant in London was able to buy all Edinburgh' was hauled up in front of the Council in London, where he protested that he had only said 'some four merchants of London dealt for as much merchandise as all Edinburgh did'.⁷

King James would have liked men to believe that the

¹ *Register*, ix. 173-4. ² *Ibid.*, vii. 130.

³ *Ibid.*, xiv. 407.

⁴ *Parliamentary History*, i. 1104.

⁵ Balfour, ii. 34.

⁶ *Ibid.*, p. 70.

⁷ *Abbotsford Miscellany* (Edinburgh, 1837), p. 229.

English had the monopoly of bad manners, and went so far as to assert in an address to his English Parliament that no Scot had used opprobrious terms of the English. The contrary seems, however, to be proved by the existence of a Scottish act of Parliament of 1609 prohibiting the publication or uttering of 'pasquillis, libellis, rymis, cokalanis, comedies and siclyk' against the English.¹

It was in England, however, that the ill-feeling between the two peoples most often came to a violent expression, for the fairly obvious reason that while there was a nucleus of Scots to provoke national resentments in England and chiefly round London, there was no equivalent group of English in Scotland, where the visitors were few, were on the whole well-behaved, and were usually made very welcome.

The king was on the whole fairly faithfully supported by his courtiers and by his Scots and English Councils in preventing unnecessary trouble. There was the notorious incident in 1612 at Croydon races when a Scot named Ramsay hit the earl of Montgomery in the face and the earl of Montgomery failed to respond in kind, so that, as a contemporary sourly observed, there was 'nothing lost but the reputation of a gentleman'. Montgomery's friends asserted that he stomached the insult in order to prevent a free fight between Scots and English, and to be fair, it seems very probable that this was indeed his reason, though he never quite lived down having lost his reputation as a gentleman. 1612 was an uneasy year for Anglo-Scottish relations in London, and things very nearly came to an outburst again over the case of Lord Sanquhar who had hired a couple of assassins to murder an English fencing master who had accidentally put out his eye. None of his compatriots in high place, however, took Lord Sanquhar's part in the matter, and he was hanged, to the gratification of the English and to no regret of the Scots.²

There is, however, one other aspect of the situation in and round the court which it is not out of place to consider here, because it has not been much noticed and it undoubtedly had a considerable effect on the position of the Crown in Scotland. The departure of the king had broken up the cadre of the Scottish court. What was created in England was essentially an English court with a Scottish, or as time went on, an Anglo-Scottish enclave within it. Although such men as Hamilton and Lennox, the most outstanding examples of the anglicized Scots nobleman, were evidently men of high standing, the

¹ *Acts of Parliament of Scotland*, iv. 436.

² Spottiswoode, iii. 215; *Register*, ix. 370.

reputation in general of the anglicized Scots did not stand very high north of the Border. There certainly seems to have grown up a substantial group of Scots lords who preferred to disassociate themselves from their compatriots at the English court, which meant of course to disassociate themselves from the court altogether. Lord Gordon, for instance, who became Huntly in 1636, we find making long stays at the French court and comparatively short ones at the English, to which he almost deliberately did not belong. The same thing was significantly true of the young Montrose. This was a dangerous situation for the king to allow to grow up, because it was a bare generation since the Scots nobility had at last been gathered into some kind of order and allegiance under the Crown. To allow distinguished Scots lords to revert to an uninterrupted independence, and to feel not even the social magnetism of the court—let alone any other—was to increase the risk of ultimate rebellion.

Meanwhile more than thirty years of a common sovereignty had insensibly strengthened links between the Scottish and the English peoples of which the king, dealing only with the political surface, remained unaware. English travellers, with few exceptions messengers of goodwill, had been well received in Scotland and had acquired a respect for some at least of what they saw there. Both the prolific poet and journalist John Taylor in 1618 and Sir William Brereton in 1636 were awed by the physique of the Highlanders. Taylor, an irrepressible tourist, boldly penetrated as far as Braemar to join in the hunting, borrowed a kilt for the occasion from the kindly earl of Mar and can thus probably claim to have been the first but emphatically not the last Englishman to masquerade unconvincingly in borrowed romance. He was impressed too by the bounty of Scottish hospitality and the patriarchal households of the lairds who generously gave him lodging in the course of his tour.¹

Sir William Brereton's record of 1636, on the eve of the outbreak of the religious troubles, is more significant. Like Taylor, he was impressed by the patriarchal manners of the Scottish gentry to their families and servants. He also writes approvingly of the demonstrations which some congregations in Scotland had made against ministers who in accordance with the royal instructions had tried to introduce kneeling² and other

¹ See John Taylor, 'The Pennyles Pilgrimage', in his *Works*, ed. Hindley (London, 1872).

² Sir William Brereton, *Travels* (ed. Chetham Society: Manchester 1844), p. 121.

Popish ceremonies. It is evident, from the way in which he writes of these things and the introductions which he had, that the close connections which had once existed between the Reformed kirk in Scotland and the Elizabethan Puritans—Cartwright, it will be remembered, had been offered a chair at St. Andrews—had outlasted the Union of the Crowns and been strengthened by the fact that both were now equally exposed to attack from above.

But the forcing house of understanding between the two nations was neither in England nor in Scotland, but on the mainland of Europe. There had been very extensive recruiting in Scotland for the Protestant powers involved in the Thirty Years War. There was much volunteering from England. The muster rolls of Swedish, Dutch and Danish armies show interesting mixtures of names from both countries. In parenthesis, on the Catholic side, the murder of Wallenstein in 1634 must have been planned and carried out entirely in the English language between an Irish colonel, a Scottish colonel and an English major. But it was in the Protestant armies, especially the Dutch and Swedish, that bonds of personal friendship and above all of common religious convictions were being increasingly formed between the representatives of the two nations.

An influence of equal importance came from the English-speaking churches in the Netherlands. These seem to have been truly Anglo-Scottish, and were all of them closer to the Dutch Calvinist model than to the Anglican establishment to which they were only very vaguely attached. Their powers of ordination had long caused anxiety to the Anglican Church at home and they were the source of a steady trickle of ministers to both England and Scotland whose doctrines and practice were wholly at variance with the forms that Archbishop Laud was trying to impose. The dictates of the English Privy Council commanding them to conform to Anglican measures, were disregarded by them and were politely deprecated by the Dutch government under whose protection they existed. The Low Countries thus became the convenient resort of those who opposed the government on religious grounds, and it was here that the dissident godly of both nations made significant friendships.

To all of this King Charles was insufficiently alive, although his opponents seem to have been perfectly aware of it. The English sympathy for the Scots revolt early caused the moving spirit of the National Covenant, Lord Rothes, to note piously that 'some growth of Christian affection amongst neighbours

may prove this cord to be twisted by a hand from above',¹ meaning presumably that God had taken a hand in bringing English and Scots together against the church policy of their common king.

Thus in the first thirty-five years of the Union of the two countries under one sovereign, the king's attempts to achieve either an economic or a religious union, by policy directed from the centre, had both broken down: the first on English resentment, the second on Scottish intransigence. The first real movement of mutual help and affection between the two people was created not by the policy of the Crown but by resistance to it. It is an interesting and possibly an instructive paradox.

¹ John Leslie, Earl of Rothes, *Relation of proceedings concerning the Kirk* (Bannatyne Club: Edinburgh, 1830), p. 19.

THE STUDY OF AFRICAN HISTORY

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IN speaking this afternoon on the study of African history, I am very conscious that the choice of subject is ambitious. Many aspects of African history are more and more attracting the close attention of scholars, and I wish to apply to the history of the African continent as a whole the experience gained by the study of some aspects of the history of one of the regions, the West Coast. For I have learned that there are dangers no less than securities in the pursuit in isolation of selected regional or topical studies. Authoritative regional histories—histories of the individual colonies of the European states in Africa—are badly needed.¹ But it seems to me that such tasks of local specialized investigation should not be allowed, as they proceed, to throw out of focus the whole picture of African history. So I would respectfully suggest that a case exists for a broader and more integrated approach to the study of African history and for an interpretation of African events from the point of view not merely of the European but also of the Arab, the Indian, and above all the Bantu and the Negro. My appeal is for the study of African history mainly through African eyes and for its own sake.

I venture to make this appeal because I can recall how it came almost as a shock to me, when working within the narrower field, to discover, first, that there was no authoritative general history of West Africa,² and, secondly, that nearly all the historical literature which did exist had been written from the point of view of the Europeans and served, therefore, to cover isolated aspects of merely the five centuries during which they have been active on the coasts of Guinea, Congo and Angola. This is not to suggest that materials for the history of the coast do not exist or that competent use has not been made of them. Indeed, there are records in print and in manuscript, primary as well as secondary works, and a useful miscellany of charts and maps, portolans and atlases,

¹ V. T. Harlow, 'Recent research in colonial history since 1783', *History*, N.S., xxxiii (1948), 80.

² C. P. Lucas, *West Africa* (*Historical geography of the British colonies*, iii; Oxford, 1900), is a useful introduction to the subject.

to assist in the identification of place-names and tribal locations. There are serious monographs on certain aspects of European imperialism which have attracted wide attention, a few unpublished theses scattered in the libraries of the universities, some regional histories of varying value as works of scholarship, and a vast literature on the transatlantic slave trade. More of these studies have appeared recently, some of them modifying accepted views; still more are needed.¹ Then, there is a wealth of contemporary material in the form of chronicles, journals and narratives, bearing wholly or in part upon the subject, and often based upon personal knowledge and direct experience of the West Coast. Though these works are indispensable, all need to be used with caution lest they should bias the approach of the student, blur his perspective, and by their emphasis on the achievement of the Europeans even submerge what I submit here to be the true pattern of West African, indeed all African, history.

If we consider first the monographs, the writers, all

¹ The following monographs are useful: B. S. Santarem, *Recherches sur la priorité de la découverte d'Afrique au-delà du Cap Bojador* (Paris, 1842); P. M. Netscher, *Les Hollandais au Brésil* (The Hague, 1853); J. K. de Jonge, *De oorsprong van Nederlands bezittingen op de Kust van Guinea* (The Hague, 1871); P. Cultru, *Les origines de l'Afrique occidentale* (Paris, 1910); G. F. Zook, *Company of royal adventurers trading into Africa* (Lancaster, Pa., 1919); C. B. de la Roncière, *La découverte de l'Afrique au moyen âge* (3 vols., Paris, 1924-7); J. L. Monod, *Histoire de l'Afrique occidentale française* (Paris, 1926); E. C. Martin, *British West African settlements, 1750-1821* (London, 1927); A. Cortesão, *Subsídios para a historia do descobrimento da Guiné e Cabo Verde* (Lisbon, 1931); S. F. Crowe, *Berlin West African Conference, 1884-5* (London, 1942). Valuable as regional histories are: A. B. Ellis, *History of the Gold Coast* (London, 1893); Lady Lugard, *A tropical dependency* (London, 1905); M. Delafosse, *Haut-Sénégal-Niger* (3 vols., Paris, 1912); W. W. Claridge, *History of the Gold Coast and Ashanti* (2 vols., London, 1915); F. W. Butt-Thompson, *Sierra Leone* (London, 1926); F. J. Arnett, *Rise of the Sokoto Fulani* (Kano, 1929); A. C. Burns, *History of Nigeria* (London, 1929); E. W. Bovill, *Caravans of the old Sahara* (London, 1933); J. M. Gray, *History of the Gambia* (London, 1940). Notable studies of the transatlantic slave trade are: G. Scelle, *La traité négrière aux Indes de Castille* (Paris, 1906); E. Donnan, *Documents illustrative of the history of the slave trade to America* (4 vols., Washington, 1930-5); Gaston-Martin, *Nantes au XVIII^e siècle* (Paris, 1931); H. A. Wyndham, *The Atlantic and slavery* (London, 1935), *The Atlantic and emancipation* (London, 1937); P. Rinchon, *Le trafic négrier d'après les livres de commerce du capitaine gantois Pierre-Ignac-Liévin van Alstein* (Brussels, 1938). The following unpublished theses in the library of the University of London contain much valuable information: T. G. Stone, 'The struggle for power on the Senegal and Gambia, 1660-1713'; E. I. Herrington, 'British measures for the suppression of the slave trade upon the West Coast of Africa, 1807-33' (*Bull. Inst. Hist. Res.*, ii. 54-6); W. H. Scotter, 'International rivalry in the bights of Benin and Biafra, 1815-85' (*ibid.*, xii. 63-6); G. R. Mellor, 'British policy in relation to Sierra Leone, 1808-52' (*ibid.*, xiv. 122-4); P. G. James, 'British policy in relation to the Gold Coast, 1815-50' (*ibid.*, xiv. 124-7); G. W. Brown, 'The economic history of Liberia' (*ibid.*, xvii. 147-9); I. Bains, 'British policy in relation to Portuguese claims in West Africa, 1876-84' (*ibid.*, xix. 94-6).

Europeans writing from the European standpoint, have sometimes imposed their own reading of events upon the truth. With one or two exceptions they have also distracted attention from the main theme by concentrating on dramatic episodes such as the search for Prester John, the brief but glorious moments of the Dutch West India Company, the half-filibustering rivalry of Europeans on the West Coast, the exploration of the Niger, and the somewhat artificial projection into tropical Africa of the political frontiers of the Old World.¹ The history of the transatlantic slave trade has proved by far the most absorbing of the many subordinate themes. Though recently American historians have shown increasing interest in the tribal homelands from which the enslaved came and a tendency to dispute the grim picture drawn by Phillips of long slave coffles marching down to the West Coast from the heart of jungle Africa,² the broad effect of two centuries of investigation into this subject has been to obscure the story of West Africa itself. The student, like the Abolitionist, has concentrated on the magnitude and organization of the trade, the rigours of the 'middle passage', the destination of the enslaved and the winning of emancipation. Indeed, the monographs, considered as a whole, have treated as merely incidental such major threads in the pattern of African history as the structure of native society, tribal wars, tribal migrations, native land tenure, and the reaction of native cultures to alien cultures.

When we turn next to the regional histories, we must observe that, though beyond praise as pioneer works, they are likewise often written mainly by Europeans from the European viewpoint, and they have an air of unreality about them in that the areas of which they tell are not, or at least for centuries were not, contiguous with the political divisions of native tribal society. Writers have also allowed the form of the records to dictate the method of their treatment. Though the discipline of close-mesh sifting of records could have allowed them to recover much of the story of tribal society as it then was, some even of the best attempt little

¹ E.g., Dr. Crowe in her study of the Berlin West-African Conference (*op. cit.*), though professedly a study in European diplomacy, makes very little reference to tribal land claims and the effects of partition upon the African peoples.

² U. B. Phillips describes the march to the coast in his *American negro slavery* (New York, 1936), pp. 30-1. More recent studies have suggested that the great majority of the slaves came from the coastal regions. See M. J. Herskovitz, *The myth of the negro past* (New York, 1941), ch. ii, and his article, 'The significance of West Africa for negro research', *The Journal of Negro History*, xxi (1936), 15-30.

more than a résumé of European voyages for the era prior to the end of the seventeenth century. Furthermore, the increasing quantity of records as we approach the twentieth century is reflected in the amount of space devoted to the succeeding phases of West African history: the epoch before the arrival of Europeans is scarcely considered; the age of Portuguese ascendancy, even of Dutch, receives slight treatment; power rivalry on the coast commands more space; but it is not until the ramifications of the industrial revolution begin to affect Africa, enabling Europeans to master the interior as well as the coast, that the regional histories become detailed and full. Writers, then, have devoted most space to the events of the last half-century.¹

More interesting, if perhaps a little artificial, is the assumption that these histories are histories of well-defined regions. The political frontiers which today arbitrarily intersect the map of West Africa are, of course, the outcome of the mad scramble for territory during the generation after the year 1882.² But these are boundaries which neither the Europeans nor the Negroes over the greater part of the last five centuries would have recognized. The Europeans, familiar till recently with not much more than the coastal fringe, thought almost exclusively in terms of commerce, allowing the interests of their trade to dictate the terminology of long stretches of the coastline, the Gum Coast, the Malagueta or Grain Coast, the Tooth or Ivory Coast, the Gold Coast, and the Slave Coast. Moreover, a change in the conditions of trade was always liable to bring a change of name: after the abolition of the slave trade, the Slave Coast became the region of the 'Oil Rivers' because palm oil was thereafter the most prized commodity which the area of the Niger delta yielded to the exploiting Europeans. Only recently, with the opening of the interior and the resulting partition, were the old distinctions blurred by the rivalry of the powers. The Gold Coast Colony alone substantially retains its former distinctive limits. Once the land of 'the mine of gold', it was for generations

¹ Sir Alan Burns, *op. cit.*, in an otherwise admirable work on Nigeria, devotes 5 out of 25 chapters to population and physical features, 17 to the history of the colony since 1851, and 3 to the period 1481-1850. His sixth chapter on 'the period of unrestricted slave trade, 1481-1807,' exemplifies the submergence of the main pattern of African history by the concentration on the transatlantic slave trade. Judge Gray, *op. cit.*, attempts a more balanced treatment; even so, 14 of his 32 chapters are devoted to the period since the abolition of the British slave trade. His book, though scholarly, is too often in the earlier chapters a summary of European voyages to the Gambia.

² E. Hertslet, *Map of Africa by treaty* (3 vols., London, 1894).

thought of as that stretch of coast about Cape Threepoints which extended from Cape Appollonia east to the Volta.¹ The maritime limits of the modern colony are almost identical.

It must, however, be emphasized that native Africa had its own political contours. Determined in the first place by wars, land-hunger, and tribal migrations, and consolidated by custom, they owed little or nothing to the Europeans. When the pattern of these frontiers first emerges in the records, indeed, it is clear that the tribal location was, as it largely remains, the main focus of interest for the many branches of the Negro race. Land was the dominant concern of the Negro, a trust inherited from his ancestors, the foundation of his livelihood, the basis of his commerce, and the chief source of his wars. The tribal ruler everywhere seems always to have been peculiarly sensitive to every attempt by his neighbour or his enemy to encroach upon the land itself or to imperil the rights arising from the land to which the tribe laid claim, whether those rights were of cultivation, hunting or fishing, or the collection of tolls or transit dues from the trade which passed along the primeval jungle paths and over the ancient caravan routes of the western Sudan. The tribal location, affected as it often was by the need for more land, perhaps because of pest, war, soil exhaustion or the pressure of migrating tribes, was of paramount importance to the Negro. His efforts in face of obstacles both natural and human to preserve his inheritance in land, and, if necessary, to increase it, form the main thread in his history, the real history of West Africa. So he knew the boundaries of his tribe intimately; remembered, too, the earlier locations and the movements of his tribe. All this was too much part of Negro life to be destroyed by the political arrangements of the Europeans. Negro society, pagan or Islamic, preserved the old divisions, rooted by now in custom, tradition, experience and tribal lore. Organized in a series of small tribal units along the coast from the Senegal to the Congo, and far inland behind the jungle on the basis of the larger, more

¹ On a point of detail, although Axim was the most westerly district of the 'mine of gold' from which the Portuguese appear to have obtained gold dust, they thought of Cape Palmas as the western limit. 'The domains subject to the castell de Mayne', testified a captain engaged in the trade in 1591, 'containeth two hundred leagues in length, that is to say, from Caput de Palma unto Rio de Volta': P.R.O., H.C.A. 13/29 (High Court of Admiralty, Examinations, vol. 29), deposition of Antonio de Sousa, 23 March 1591. See also L. Cordeiro, *Memorias do Ultramar* (Lisbon, 1881), iv. 12-13. The Dutch appear to have set a more precise western limit to the Gold Coast during the early seventeenth century: W. Bosman, *Description of the coast of Guinea* (London, 1705).

flourishing, kingdoms of the Sudan, it did not react to the artificiality of European divisions. The wars of the Africans continued and their confederacies waxed and waned, without regard to the Europeans on the coast, and they frequently demonstrated the unreality of the boundaries which the partitioning Europeans fixed upon the sub-continent. The once-mighty Yoruba, occupying the land to the west of the lower Niger valley, advanced the frontier of their empire west as far as the Gàs of Accra within the modern Gold Coast Colony, subjecting in their stride the Popos and the Dahomis inhabiting territories which now form part of Togoland and French Dahomey.¹ The virile Ashanti, encroaching towards the coast from their inland home during the eighteenth century, asserted their supremacy over the peoples of Denkera and Sefwi, whose lands extended beyond the western limits of the modern Gold Coast Colony, and even attacked the Dahomis beyond the Volta river in what is now French territory.² In short, to the Africans the Europeans were aliens, interested only in trade; and the boundaries which the Europeans sponsored were meaningless to them. Outstandingly artificial in the age of partition was the delineation of the northern frontiers of Dahomey, Togoland, Nigeria and Cameroons, splitting up at a stroke the open savannah country of the western Sudan between the middle Niger and Lake Chad, which had cradled the great empires of the Songhai, Hausa and Fulani peoples and produced the highest form of civilization yet evolved by the Negro.³ Moreover, even the attempt of the powers at the Berlin Colonial Congress to regulate partition took little account of the real Africa, and sometimes injured native interests: freedom of navigation on the Niger, for example, entailed riding roughshod over native rights arising from control of the 'roads' from the coast to the interior.⁴ Such happenings emphasize the need for an African view of African history. It may well be, of course, that the new frontiers will last. They may efface the old

¹ S. Johnson, *History of the Yoruba* (1921), pp. 15-16.

² Claridge, *op. cit.*, i. 192-234.

³ Lady Lugard, *op. cit.*; C. W. J. Orr, *Making of Northern Nigeria* (London, 1911); Lucas, *op. cit.*, pp. 242-53; Burns, *op. cit.*, pp. 49-62, 166-8, 172-6, 188-215; Bovill, *op. cit.*, *passim*. Even the term 'Nigeria', recorded Lady Lugard in 1905, 'cannot be found on a map that is ten years old'.

⁴ A striking illustration of this was the case of chief Jaja of the Opobo people who, because their country lay astride the creeks affording access from the bight of Biafra to the interior markets, were able to monopolize the trade. In 1884 the treaty by which Jaja, on behalf of the Opobo, accepted British protection, deliberately omitted any reference to freedom of navigation so as not to prejudice the commercial rights of the Opobo. The Berlin Act wholly ignored these rights. See Burns, *op. cit.*, pp. 157-62.

tribal divisions by fostering among the peoples of tropical Africa a vigorous sense of what is as yet with the mass of them a largely artificial regionalism : thus, men of the Yoruba nation and of the Ibo country, alike forgetful of their past, may come to think of themselves primarily as Nigerians. But whatever the future may bring, the modern boundaries which set the limits for the 'regional' histories have no deep roots in the past.

The chronicles and narratives, if not always original, have the advantage of being original records. But the wise student, without wishing in any way to belittle the value of such monumental works as John Barbot's *Description of the coasts of North and South Guinea*,¹ will, if he can, test every word used by these authorities. Chronicler and journalist, explorer and trader, European by race and culture, have all alike their idiosyncrasies for the historian. Few of them till the nineteenth century were in a position to describe in detail the inland countries. All have their bias and a delightful partiality for their own countrymen, but scarcely ever show sympathy for the Africans. Each, moreover, was prone to reproduce what had been said before. Barros, the greatest of the Portuguese chroniclers, though he had access to the archives, none the less drew extensively on the chronicles of Resende and Pina or from some lost source common to all three. Half a century later there is a provocative identity of language and fable between the *Relations* of the Jesuit, Fernão Guerreiro, and the *Brief Treatise* of Captain André d'Almada.² The great writers of the age of Louis XIV were markedly dependent upon their predecessors. Barbot, who knew the West Coast and was a critical observer, openly admitted his debt to previous writers. He described his technique :

Every morning I retired, either to my cabin aboard, or my chamber ashore . . . and there entered in my journal all that I had during the day set down by way of memorandum in my table-book, enlarging upon it as far as my memory would help me, after comparing it with what was said, touching the same by authors.³

Father Labat, confessing that he had seen but not set foot

¹ A. Churchill, *Collection of Voyages*, v (London, 1732).

² João de Barros, *Da Asia*, dec. I [1552] (Lisbon, 1777) ; F. Guerreiro, *Relações annuis* (4 vols., Lisbon, 1603-11) ; A. A. d'Almada, *Tratado breve dos rios de Guiné* [c. 1594] (Lisbon, 1946).

³ Barbot, *op. cit.*, p. 13. See also p. 467 on his debt to previous authors for his description of the lands of Gabun, Congo and Angola.

in Africa, reproduced what he learned from the narratives and experience of 'men of probity'.¹ To repeat was to preserve where, as with Barros, the original source of information has been lost. But the repetition of old errors has been unfortunate, for it has given rise to misunderstanding and on particular points to misstatement even in recent monographs. Examples of this may be found in the long survival of the idea that the Senegal, the Niger and the Nile were all parts of one river system,² the belief that the French were the first discoverers of Guinea,³ the confusion that envelops the chronology of fort-building by the Europeans on the West Coast,⁴ and the allegation promoted by jealous rivals that the Dutch instituted a harsher régime over the Africans than their Portuguese predecessors.⁵ Beyond all this, the narratives appeared at irregular intervals, reflecting the changing whims, fancies, and political designs of the contemporary Europeans. With the first flood of enthusiasm for exploration came the great chronicles penned by Azurara, Pina, Resende, and Barros, together with the records of Cadamosto, Diogo Gomes, Pacheco and Valentim Fernandes.⁶ Then followed a policy of calculated secrecy on the part of the Portuguese which hid Africa from the prying gaze of European rivals, so that

¹ J. B. Labat, *Nouvelle relation de l'Afrique occidentale* (5 vols., Paris, 1728), i, p. i.

² D. Pacheco Pereira, *Esmeraldo de situ orbis*, ed. G. H. T. Kimble (Hakluyt Society; London, 1937), pp. 173-5.

³ The French claim appears to have originated during the early years of the reign of Louis XIV, and was plausibly advocated by N. Villaut, *Relation des costes d'Afrique* (Paris, 1669). First seriously challenged by Santarem, *op. cit.*, *passim*, the claim was effectively disposed of by C. B. de la Roncière, *op. cit.* In spite of this, Burns, *op. cit.*, pp. 72-3, hesitates to dismiss the claim, and R. L. Buell, *Native problem in Africa* (2 vols., New York, 1928), repeats (i. 915) the story without even a query.

⁴ Much of this arises from the national claims of the contemporary writers. It is probable that a fairly coherent picture of the building of the forts could be drawn from a careful study of manuscript records.

⁵ This allegation, taking its origin from statements in such works as Barbot, *op. cit.*, p. 157, is repeated in H. A. Wyndham, *The Atlantic and slavery*, pp. 15-17, and exemplified by reference to the fact that the Dutch even expropriated from the local chieftains the tolls on fishing which by custom appertained to the latter. In fact, the Portuguese and the French encouraged the charge as part of a calculated policy of denouncing their Dutch rivals whose success on the Gold Coast they envied; and as early as 1508 the Portuguese levied the fish-toll at Arguin. See Valentim Fernandes, *Description de la côte d'Afrique* [c. 1508], ed. P. de Cenival and T. Monod (Paris, 1938), pp. 54-5, 116-17.

⁶ G. E. de Azurara, *Chronicle of the discovery of Guinea*, ed. C. R. Beazley and E. Prestage (Hak. Soc.; 2 vols., London, 1898-9); Ruy de Pina, *Chronica del Rey Dom João II* [c. 1500] (Lisbon, 1790); Garcia de Resende, *Chronica que trata da vida do Dom João II* (Lisbon, 1545); Barros, *op. cit.*; D. Gomes, 'De prima inventione Guineae' in *Voyages of Cadamosto*, ed. G. R. Crone (Hak. Soc.; London, 1937); Pacheco, *op. cit.*; Fernandes, *op. cit.*

more than a generation elapsed before the appearance of the works of Battell, d'Almada, Linschoten, Marees, and De Bry and the Jesuit *Relations*.¹ If collated, these give a detailed account of the situation on the coast at the end of the sixteenth century. Two more generations elapsed, and then the vested interests of the European powers, sharpening commercial rivalry, and the desire to substantiate claims resulted in a new series of works, among the best being those of Villaut, Dapper, Bosman, Labat and Barbot.² Books on West Africa thereafter trickled steadily from the pens of contemporaries, the emphasis being on trade, until the explorations of Mungo Park encouraged a new type of narrative which covered the interior as well as the coast.³

So the historian must turn to manuscript sources in the hope of rectifying the errors, correcting the bias, and filling in the gaps which the printed authorities leave. The European archives, national and local, though they may contain little about the interior lands prior to the nineteenth century, have certainly much to tell us about the coastal tribes. In spite of the ravages of time, earthquake and war, there is no lack of evidence in the monographs that a harvest of information awaits the student who sets out to try to recover the story of the African peoples. Should this urgent task be undertaken, voids in our knowledge will doubtless still remain, particularly of the first two centuries of European activity on the coast. But the archives have already yielded something; far more remains to be divulged. In the case of the English archives, for example, there is a mass of material in treasury papers of the Public Record Office bearing on West Africa after the Restoration which Mr. Jenkinson brought to the

¹ A. Battell, *Adventures*, ed. E. G. Ravenstein (Hak. Soc.; London, 1901); d'Almada, *op. cit.*; J. H. van Linschoten, *Discourse* (London, 1598); P. de Marees, *Beschryvinge ende historische verhael van het Gout-Koninkrijk van Guinea* [1602], ed. S. P. L'Honore Naber (The Hague, 1909); J. and J. I. de Bry, 'Descriptio regni Guiniae' in *Indiae Orientalis* (1604); Guerreiro, *op. cit.*

² Villaut, *op. cit.*; O. Dapper, *Description de l'Afrique* (Amsterdam, 1686); Bosman, *op. cit.*; Labat, *op. cit.*; Barbot, *op. cit.*

³ Attempts to penetrate into the interior from the coast were made from time to time, and there is evidence to suggest that the Portuguese were conversant during the sixteenth century with Ashanti, the upper reaches of the Senegal even to Timbuktu, and the hinterland of the Congo; the French and English late in the seventeenth century with the headwaters of the gold-bearing region of Wangara. Dr. Stone even goes so far as to claim that in 1690 Cornelius Hodges, a factor of the Royal African Company, anticipated the discoveries of Mungo Park. See F. M. de Sousa Viterbo, *Trabalhos nauticos dos Portuguezes nos seculos XVI e XVII* (2 vols., Lisbon, 1890-1900), i. 322-4; Cordeiro, *op. cit.*, vi. 18-20; E. G. Ravenstein, *History of the Congo and Angola* (Hak. Soc.; London, 1901), pp. 102-90; T. G. Stone, 'Journey of Cornelius Hodges', *Eng. Hist. Rev.*, xxxix (1924), 89.

notice of this society over thirty years ago.¹ There are other classes of records likely to be not less fruitful, even for the age before 1660. Who, for example, with this design in mind, has yet worked his way through the Anglo-Dutch and Anglo-Spanish correspondence of the first half of the seventeenth century? Who has toiled through the Chancery records? As for continental archives, Dr. Denucé has shown what could be recovered in Antwerp for the Guinea trade in the sixteenth century.² What is badly needed, indeed, is a survey of all the records of West Africa still housed in all the archives of western and north-western Europe. Would it not repay governments of the European colonies to finance a series of reports on the archives?

However partial or defective the records may be, a fine comb drawn through them will generally produce results. Provided the aim is clear, it will nearly always be possible to arrive close to the truth. Consider, for example, the vexed problem of European 'holdings' or 'cessions' on the West Coast. Much information bearing on this survives from the later phases of the European occupation, and research suggests that the complex fabric of treaties entered into between Africans and Europeans rarely if ever entailed the vesting of sovereign rights or territorial ownership in the Europeans. The British at least took the view that the most that could be acquired by treaty was a 'right of occupying with the consent of the original proprietors of the soil'.³ The British merchants, writes Dr. Martin, were 'not territorial owners, but tenants of the natives, to whom they paid rents for the forts they held'.⁴ The competing Europeans were only interested in trade. They wanted no more than the right to build forts or 'strong houses' for the security of themselves, their ships and their goods, exclusive privileges of trade, low prices and good bargains, and a peaceful and co-operative attitude on the part of the Africans so that the latter would

¹ H. Jenkinson, 'Records of the English African companies', *Trans. Roy. Hist. Soc.*, 3rd Ser., vi (1912), 185-220. Dr. E. C. Martin followed this up with a comprehensive analysis of eighteenth-century records in her paper on 'English establishments on the Gold Coast', *ibid.*, 4th Ser., v (1922), 167-208.

² J. Denucé, *L'Afrique au XVI^e siècle et le commerce anversoïs* (Antwerp, 1937).

³ P.R.O., C.O. 267/16.

⁴ *British West African settlement*, p. 48; P.R.O., C.O. 391/39. Dr. Martin lists the rents being paid in 1816: £72 p.a. for Cape Coast Castle; £36 p.a. each for Tantum, Winnebah and Commenda; £12 p.a. for Sekondi; and £9 p.a. for Dixcove. C. K. Meek, *Land Law and Custom in the Colonies* (London, 1946), argues (p. 11) that the Africans did not understand the 'gifts' or 'presents' which the Europeans gave them as 'rents'.

not deny them trade or depart in a huff to other trading centres. Conceiving these conditions to be essential to a commerce which involved many unusual hazards, the Europeans were willing in return to 'protect' friendly tribes, offer 'gifts' for services rendered, and pay what they thought of as annual 'rents' for their 'cessions'.

But was this always so, or did the customs of the trade grow up very slowly with the passage of the years? The paucity of early records might suggest that this can never be known. On closer examination, however, as we push back the frontier of historical knowledge into the seventeenth century, into the sixteenth, even back into the obscurity of the fifteenth century, indications will be found of the existence of arrangements which bear a striking resemblance to the practices of the nineteenth century. The earliest detail of such an agreement that I have so far encountered among the records of the English traders occurs for the year 1647. In that year, the agents of John Wood, engaged in the redwood trade of the Sherbro, negotiated a treaty with a local ruler whom the English called King Towa. It was not a new agreement but in confirmation of one that had been made at least ten and possibly twenty years before. Wood with other London merchants had built a factory at Beramony on the banks of the lagoon known as the Kittam which flows out into the Sherbro, and now in 1647, in order to defeat the designs of rival interlopers, his agents renewed the old agreement. Having gone through all the usual ceremonies of giving presents and holding palaver with the Africans, Wood was conceded full rights of 'trade with the said Negroes in the said river of Cerbero [Sherbro], and in the ports or streams thereof, commonly known by the names of Kiddam, Marap and Melyn'.¹ Provided the usual dues in the form of clothes, brass and strong waters were paid, Wood or his agents were to have exclusive privileges of trade and in particular the sole right to buy redwood, though the Africans were to retain the right to cut it.² The agreement, reduced to writing, was signed and witnessed. One contemporary, James Sammis, went so far as to claim that Wood became the owner of the territory in question by direct purchase. But King Towa was committed only to the 'sale or transfer' of 'all his right or title or interest in and to the said River of Cerbero' together

¹ P.R.O., H.C.A. 13/61, 28 June 1648.

² It seems that the Negroes everywhere on the coast always jealously guarded the right to cut the redwood, even as from time to time they opposed efforts on the part of the whites to mine the gold. See Martin, *op. cit.*, p. 52.

with the adjoining streams, and there is some evidence for the view that King Towa himself did not understand by this that he was permanently signing away the lands of his people.¹ His 'right or title' was no more than that of trustee for his people. It was not within his power to sell the land.

This agreement, though the earliest recorded 'cession' to the English, was at that time in no way unique. The attempt of the Hollanders to displace the Portuguese on the Gold Coast had produced a crop of such agreements with the rulers of Axim, Ahanta (including Butri and Sekondi), Sabu, Fantyn and Accra.² Dig deeper into the records, and indications of the practice at an even earlier period can be uncovered. In January 1482, for example, Diogo d'Azambuja had negotiated a 'cession' of the site chosen for the fortress of Elmina, and some details about his agreement with chief Caramansa have come down to us in the Portuguese chronicles. They suggest that already the usual custom recognized by both Portuguese and Africans on the Gold Coast was to begin trade with an exchange of 'gifts'. They prove that at least one other Negro ruler had previously offered a site on the coast for a fort. They record that Caramansa, suspicious of the motives of the Portuguese in desiring to build a fort, was by request granted 'protection' and the customary 'gifts' of cloths, bracelets and basins—the usual medium of exchange on the coast—as the price of a concession, and left the white invaders in no doubt of the outcome of duplicity on their side.³ After the fortress had been built, moreover, the governor entered into new agreements with the native rulers, doubtless elaborating the conditions governing the European tenure of the site of Elmina Castle.⁴ Long afterwards, the Portuguese continued to court the favour of the Comani and the Fetu people on whose territory the fortress stood. They also continued to make the customary 'presents' to the rulers of tribes not only on the coast but also in the interior, so as to encourage an uninterrupted flow of trade along the 'roads' from Ashanti or Akim down to the coast.⁵

¹ P.R.O., H.C.A. 13/61, various depositions in Wood v. Hooper, Hutter, etc.

² J. K. de Jonge, *op. cit.*; J. G. Doorman, 'Die Nederlandisch-West Indische Compagnie an der Goldkust' in *Tijdschrift voor Indische Taal-, Land- en Volkenkunde*, xl (1898), 389-496.

³ Barros, *op. cit.*, dec. 1, bk. 3, chs. 1 and 2; Pina, *op. cit.*, ch. 2; Resende, *op. cit.*, ch. 25; Eustache de la Fosse, 'Voyage' [c. 1520] in *Revue hispanique*, iv (1896), 174-201.

⁴ Pina, *op. cit.*, ch. 2.

⁵ J. W. Blake, *Europeans in West Africa, 1450-1560* (Hak. Soc., 2 vols., London, 1942), i. 44-7.

But there is no evidence that the Europeans came to own the sites they occupied. Here was a cause of frequent misunderstanding. It would seem that African customary law found no place within it for the concept of individual ownership. No African ruler therefore could sign away the collective land rights of his people. Indeed, discordance between two distinct systems of law, the precisely articulated land law of the Europeans and the customary law of the Africans, was bound to develop. The Portuguese tried to impose a feudal régime upon the Negro peoples. King John II took unto himself the title of 'Lord of Guinea', and the theory was that the native rulers with whom he treated, provided they became Christians, assumed the status of vassals.¹ So the Portuguese, building feudal castles, ideal for the African environment if in Europe outmoded by gunpowder, imported the notions of feudal land tenure. Had the feudal law survived, misunderstanding might have been less acute. But by the end of the fifteenth century, the developing concept of individual ownership was already displacing the old feudal law and this was a concept totally alien to the customary law of the Africans.² The indigenous African rulers, knowing only the unsophisticated tribal law of landholding inherited from their ancestors, interpreted agreements by their 'custom' and not in accordance with the laws of the invaders. They might grant away trading rights, even the use of the land; they might even make a redeemable sale. But they rarely, if ever, made an outright sale. This legacy of misunderstanding, in fact, with roots in the fifteenth century, partly explains friction long afterwards between the British, inheriting 'cessions' from the Danes and the Dutch, and the Ashanti who came into possession of 'notes' of agreement concluded by tribes subjugated by them.³

Research into this fascinating problem emphasizes an

¹ See, for example, the account of the interview between King John II and chief Bemoyin of the Jalofé in 1488 in Pina, *op. cit.*, ch. 37. It is interesting to observe that the conception of vassalage survived into the seventeenth century, for when the Dutch extended protection over the former African subjects of Portugal on the Gold Coast, they accorded them the status of vassals. See Doorman, *op. cit.*, Appendices ii-v.

² Macmillan, *Bantu, Boer and Briton* (London, 1929), makes the same point (p. 27): 'Bantu custom . . . knew only usufructuary rights in land; Bantu chiefs habitually granted the use of the land, in return for cattle, to men who virtually became their vassals; but the idea of title and private ownership in land was as foreign to their way of thinking as to those of feudal Europe.'

³ On the problem of landholding, see Meek, *op. cit.*, *passim*. On the 'notes' see Claridge, *op. cit.*, i. 192-8, 289-99, 600-5, and C. W. Welman, *Native States of the Gold Coast*, ii. *Ahanta* (London, 1930).

apparent continuity over five centuries in the customs, trade practices and tribal organization on the West Coast. Save for the occasional encroachments of European land law and the slow decline of indigenous custom, disputes over land tenure reproduce their essential features time and again. Analyse from the records the trade practices, the animistic beliefs and the social culture of the Africans in the fifteenth century, compare the results with the evidence for the nineteenth century, and the correspondence is remarkable. Map the tribal locations, as recorded by Cadamosto and Pacheco, and the nomenclature will suggest no drastic change from the situation as Bosman, Ducasse,¹ and Barbot knew it late in the seventeenth century or as the cartographers D'Anville (1729) and De Lisle (1792) sketched it. Tribe certainly warred against tribe, kingdom against kingdom; ² and wars, like famine and pestilence, even earthquakes, left their mark in the destruction of African towns and villages, and the rise and fall of African confederacies. Sometimes, too, there were great invasions or mass migrations such as the sixteenth-century incursions of the Jagas in the Congo,³ and the Sumbas in Guinea,⁴ or the Fulani conquest of the Hausa lands late in the eighteenth century.⁵ But these invaders never appear to have dislodged the tribes in occupation. The old, displaying resilient power, slowly absorbed the new. So the map of tribal locations seems to have changed little over the historical period. But we need more research before authoritative statements can be made. We have long needed a comprehensive investigation, based partly on maps, into the nomenclature of the coastal and the interior tribes. We also want to know more precisely how far Islam encroached from the north and east.⁶ Pending such studies, however, the impression remains that during nearly five centuries before the impact of western industrialism the general pattern of life on the West Coast remained essentially uniform.

If this be admitted, then it would seem to be possible

¹ 'Memoire du Sieur Ducasse sur son voyage de Guynée (1687-8)' in P. Roussier, *L'établissement d'Issiny* (Paris, 1935).

² On the Dahomey invasion of the Whydah country in 1726, see W. Snelgrave, *New account of some parts of Guinea* (London, 1734), pp. 8-32. On inter-tribal warfare on the Gambia, see F. Moore, *Travels in Africa* (London, 1738), p. 157.

³ Battell, *op. cit.*, pp. 19-35, 83; Ravenstein, *op. cit.*, pp. 149-53.

⁴ d'Almada, *op. cit.*, pp. 76-87; Guerreiro, *op. cit.*, ii, 139b; R. S. White-way, *Portuguese expedition to Abyssinia* (Hak. Soc.; London, 1902), p. 229.

⁵ Lady Lugard, *op. cit.*, chs. xl, xli, xlii and xliii; Burns, *op. cit.*, pp. 52-62.

⁶ There is an unpublished thesis on this subject in the Library of Manchester University: G. Lighton, 'The advance of Islam in the western and central Sudan'.

even yet to recover the outlines of the history of the West Africans. But if this is to be done, it should be undertaken soon, for there is evidence that tribal folklore may soon perish. As I see it, the story of West Africa falls into these phases. It opens with the Stone Age of the archaeologists and the prehistoric period of the great 'invasions'. This phase closed when the Negro race, capable of working metals, destroyed or expelled the pygmy negritos, and was in turn pressed south towards the tropical forest belt and the narrow low-lying coastal zone of West Africa by successive waves of hamitic invaders.¹ History begins with the fragmentary flashes of the classical authors, Herodotus, Pliny, Strabo and Ptolemy, and the evidence of trans-Saharan trade between Carthage and the western Sudan.² Then followed the Arab conquests of North Africa (c. 640-1450), their penetration of the Sudan, Islamic trade with Beled es Sudan ('the land of the blacks'), and the flowering of the great empires of the western Sudan of Ghana,³ Mali and Songhai. Next came four centuries of direct contact between the Africans and the Europeans, initiated by the maritime discoveries of Prince Henry the Navigator, a fascinating quadricentum because the Negro community of the sub-continent, though feeling the effects of non-Negro cultures on both fringes of their vast tropical location—Moslem and Arab pressure from the Sudan perimeter and Christian and European pressure from the seaward—yet continued their way of life substantially in isolation and through the changing years still rooted to the old customs of their ancestors. The most recent has been the phase of industrialism (c. 1885 onwards) when the Europeans, able for the first time substantially to penetrate into the interior, partitioned the whole region arbitrarily among themselves, and then discovered that they must try to keep peace and maintain order over millions of indigenous peoples whose culture and whole social structure were tending rapidly to disintegrate through the impact of embarrassing and much-misunderstood industrial forces.

All through these successive stages in the evolution of West African society, the one permanent element is the Negro people in all their various tribal and confederate branches. Wherever their focus of development may have been, they were in their present locations south of the Sahara from the

¹ C. G. Seligman, *Races of Africa* (London, 1930).

² M. Cary and E. H. Warmington, *Ancient explorers* (London, 1929).

³ The kingdom of Ghana was apparently founded before the Arab Conquests. See Ibn Battûta, *Travels* [c. 1350], ed. H. A. R. Gibb (London, 1929), pp. 380-1; Bovill, *op. cit.*, pp. 57-66.

Senegal to Lake Chad, south to the Guinea Coast, and possibly through the western Congo region before the written records were produced. They still remain. Their history is the history of West Africa. Part of their story can be recovered from the written records if the records are used as I have tried to show. It is a task that will demand energy, courage and versatile resourcefulness. Moreover, the equipment of the historian by itself will not be enough. To complete the task properly the resources of the anthropologist, the philologist, and the archaeologist need also to be brought to bear, and it must be soon, lest what the people of this vast area remember of their old background be lost before it is recorded. Dr. Vedder in his study of the peoples of South-West Africa¹ has shown that painstaking field work combined with archaeology and the historical method can go far towards producing a trustworthy chronology of events out of the obscurities of the unrecorded past, and his methods, more widely applied and integrated on a greater scale, may serve as a model. Finally, there is a very urgent need for centralizing and summarizing the somewhat isolated researches of British, Dutch, South African, French, Belgian and American scholars. Each tends to confine himself to his own region, and the results of his labours are too frequently not available, or at least remain only partially known to that small circle of workers who are engaged in the same field of study.

I now wish to suggest that much said here about West Africa applies with equal force to the wider field of African history. As there is no authoritative survey of West African history, so there exists no complete picture of African history. As with the part, so too with the whole, the main theme should surely be the story of the peoples of Africa.² What is that story? The origins are obscure. It began apparently with a series of great migrations, as race after race, Bushman, Hottentot, Negro, Hamite and Bantu, developed and moved from the original homeland, spread across the continent in successive waves, drifted into the present locations, and submerged, absorbed or was assimilated by peoples previously in occupation. It developed with the rise and diversification of the peculiar cultures of these races, each probably preserving something from the past and reflecting the varying effects

¹ H. Vedder, *South-West Africa in early times*, trans. C. G. Hall (London, 1938).

² On this point, see G. Hardy, *Vue générale de l'histoire d'Afrique* (Paris, 1922), an essay in African history from the African point of view.

of climate, physical environment and neighbouring cultures. Thus, in West Africa the tropical forest belt was a restrictive environment, and, if the despotic empires of Ashanti, Dahomey and Benin be excepted, did not facilitate the growth of large kingdoms or wide confederacies. In contrast, the open parkland of the western Sudan was an environment favourable to the creation of flourishing Negro states. So in Africa as a whole, though the peoples of the coastal zones, the forest belts and the desert barrens were generally organized in small tribal or kinship communities, the more open and higher grasslands of parts of the interior plateau did encourage the occasional appearance of larger empires. Three Bantu states, known to history, may be mentioned: the Karanga empire of Mashonaland referred to by the Portuguese in the sixteenth century; ¹ the organized despotism of the Buganda in Uganda, where royalty, according to Lord Lugard, was 'hedged about with more observance than in a modern palace in Europe'; ² and the Shambaa empire of Usambara far in the interior behind Zanzibar, described by the explorer-missionary Johann Krapf in 1852.³ Moreover, concurrently with the later migrations, the changing civilizations of the Ancient World, the Middle East, and the Mediterranean were contributing to this largely unrecorded phase, hardly at all by mixture of blood, but mainly through trade. The points of contact appear to have been at the end of the great trading routes, that is, across the Sahara, up the Nile, west through the Sudan, and south by sea from Arabia along the East African coast.⁴ Then, onwards from the mid-fifteenth century, western Europe exerted a growing influence, confined for many generations almost wholly to the coastal fringe. This was a specially interesting phase, for although the Africans were fast concentrating into their present locations, the phenomenon of 'hiving off', exemplified in the devastating raids of the AmaZimba late in the sixteenth century ⁵ and long afterwards in the rise of the Matabele kingdom, combined with the slave trade of the Arabs and the Europeans to deny the interior lands of tropical Africa

¹ But see C. Bullock, *The Mashona* (Cape Town, 1927).

² F. D. Lugard, *Dual Mandate* (London, 1923), pp. 72-3; see also Buell, *op. cit.*, i. 71-89.

³ R. Coupland, *East Africa and its invaders* (Oxford, 1938), pp. 345-50.

⁴ See the admirable survey by E. H. Warmington on 'Africa in ancient and mediaeval times' in the *Cambridge History of the British Empire*, vol. viii. *South Africa* (Cambridge, 1936), pp. 53-76. G. A. Wainwright, 'Early foreign trade in East Africa', *Man*, xlviii (1947), 143-8, summarizes the present position of research into early Egyptian, Arab, Persian and Indonesian trade with East Africa.

⁵ Coupland, *op. cit.*, pp. 60-1; Ravenstein, *op. cit.*, p. 150; *C.H.B.E.*, viii. 98-9.

that measure of relative stability which the western Sudan appears to have enjoyed for many centuries. During this phase, too, millions of Africans took part in overseas expansion, making a substantial, if involuntary, contribution to the peopling of the New World. With the partition of the continent, the most recent phase in the history of Africa opened, and its central theme, I suggest, should be the reaction of all the peoples of Africa, in the interior no less than on the coasts, to western industrialism.

To uncover this story records exist which as tools for the historian of Africa appear on the whole to be less valuable than those which the historian of West Africa enjoys. It is true that the boundaries of fairly exact history of the Islamic fringe—Mediterranean Africa including Egypt, the land of the Zanj in the far south-east, even Abyssinia (Coptic and pagan rather than Islamic) and the western Sudan—can be pushed back some centuries, and this is mainly because the great Arab chroniclers took pains to record so much of what they saw. It is perhaps even yet too little recognized in the western world that a century before William the Conqueror set foot in England Arab merchants were driving a prosperous trade at Sofala in south-east Africa, and that the greatest of Arab historians—Al-Mas'ūdi, the 'Herodotus of the Arabs'—was busy describing the remarkable civilization which the men of his faith had built up around the Indian Ocean. Another of the chroniclers, Al-Edrisi, makes the Sudan even as far west as Wangara and the Senegal kingdom of Tekrur come alive in the middle of the twelfth century. Yet another, Ibn Battūta, dictating his experiences to a scribe in the fourteenth century, has something to tell us not only of Egypt and the Sudan but also of the life of the Arab merchants in the East African ports of Zeila, Mogdishu, Mombasa, Kilwa, and Sofala.¹ In contrast, however, we possess no mass of descriptive records of the east and south of Africa corresponding to the printed narratives and journals which, increasing steadily in bulk from the late fifteenth century, survive for West Africa.

The trade of East Africa, if esteemed by the Arabs, did

¹ Ibn Battūta did not actually visit Sofala. The best of the Arab records for the student of African history will be found to be Al-Mas'ūdi, *Les prairies d'or* [c. 950], ed. C. B. de Meynard and P. de Courteille (Paris, 1861-77); Ibn Hawqal, *Oriental geography* [c. 960], ed. W. Ouseley (London, 1800); Al-Edrisi, *Géographie* [c. 1160], ed. P. A. Jaubert (Paris, 1836); Aboulfeda, *Géographie* [c. 1320], ed. J. T. Reinard (Paris, 1848); Ibn Battūta, *op. cit.*; Leo Africanus, *Description de l'Afrique* (Lyon, 1556); 'Chronicles of Kilwa', ed. A. S. Strong (*Journal of the Royal Asiatic Society*, N.S., xxvii, 1895).

not prove as attractive as the Guinea trade to Europeans. Nor was it ever vitally interwoven into the East Indies commerce as the slave trade of West Africa was into the economy of the Americas. Though the Portuguese made one or two attempts to reach the gold-mines of Mashonaland, their efforts were unproductive, with the result that very little evidence about the land of the Makaranga can be recovered from such contemporary writers as Barbosa and Barros, and not much more, as Dr. Axelson has shown, from manuscript sources in Portugal.¹ Save for the Dutch settlers at the Cape and a few Portuguese traders and missionaries in Mozambique, Europeans did not try until the nineteenth century to occupy the coast between the Kunene river and the Somali Horn, still less to penetrate inland. Skirting this long shore by sea, the records they left describe the coast but not the interior. Nor did the Dutch at the Cape make very rapid progress northwards. Though some of them were fascinated by Hottentot tales of the kingdom of the Monomotapa far to the north beyond the 'great river', the pioneer explorers of the late seventeenth century, such as Van der Stel,² were discouraged and checked by the unattractive waterless reaches beyond the Olifants River. It was not until the closing years of the eighteenth century that a few bold spirits reached the line of the Orange and Great Fish rivers. Not for another generation did explorers and missionaries reach the Vaal, push north to the Limpopo, and then at long last begin to open up central Africa and to describe it for the historian. In the absence of detailed records of the interior, then, the story of the Africans south of the Great Lakes and east of the lower Congo is hardly to be reconstructed by the strict methods of the historian. This is more particularly unfortunate because the central plateau from the African lakes south to the Drakensberg mountains was the great high road of the migratory tribes. Though, as already indicated, glimpses obtained from the Portuguese records suggest a mighty Makaranga confederacy and a measure of stability across Mashonaland in the sixteenth century, there was by and large almost certainly less continuity over five centuries in the tribal locations here than in West Africa.³

¹ *The book of Duarte Barbosa*, ed. M. L. Dames (Hak. Soc.; 2 vols., London, 1918-20); E. Axelson, *South-east Africa, 1488-1530* (London, 1940), pp. 137-48, 200-83.

² *Simon van der Stel's Journal*, ed. G. Waterhouse (Dublin, 1932).

³ Wars and migrations may have produced less variation of the tribal locations than G. M. Theal in his *History and Ethnography of Africa south of the Zambesi, 1505-1795* (3 vols., London, 1927) was prepared to allow. Theal took the view that many of the tribes inhabiting the interior of south-

So the historian, allowing the records or the want of them to influence his choice of subject, has on the whole paid too little attention to the main theme in the history of Africa. He has described the Arab trader at Mombasa and the Dutch colonist at the Cape, the factor at Cape Coast Castle and the slaver at Benguela, but hardly at all the true African. Just as West African history was written largely in terms of the transatlantic slave trade, so the history of East Africa has been written in terms of the slave trade with the Orient. South African history has been studied very largely as an experiment in white colonization or in terms of strife between the Dutch and the English, yet 'the predicament of the natives', argued Professor Macmillan, 'involved perforce in a struggle with encroaching European colonists, has never been taken into account.'¹ Tropical Africa has figured in the history books as a story of white exploration, power politics, and the carving out of dependencies, in the words of an American, as 'the last great frontiers of European development and exploitation'.²

Studies of this kind have their place and their value. Indeed, the achievement of peoples of European stock in South Africa and on the high lands of the Rhodesias, Uganda, and Kenya where permanent settlement is possible for them, must very properly form an important thread in any study of African history. Yet such works do not tell the whole story. They do not accord adequate treatment to the history of the Africans. On the contrary they tend to submerge or regionalize a theme which, I suggest, can only be properly understood in all its ramifications of war, pestilence, race pressure, land hunger, and the interaction of cultures white and black, by a wider and more unified approach. It may well be that the task for which I appeal is too formidable for one man to attempt. Perhaps the local studies, the narrower histories, the anthropology and the field work, particularly in East Africa, must all be carried further before the harvest can be gathered in completely. But there is not much time. The old Africa is fast being forgotten. 'It is very noticeable that the Bantu people are losing touch with their own past', wrote Soga in 1928; 'few of the older men

east Africa in the sixteenth century were afterwards displaced or broken up. But the tendency among more recent writers is to question this. See Axelsson, *op. cit.*, p. 143.

¹ W. M. Macmillan, *op. cit.*, p. vii.

² F. J. Klingberg, 'A survey of recent books on British Africa with special reference to the native problem', in the *Journal of Modern History*, x (1938), 77.

are now able to give a reasonable account of the history of the tribes to which they belong.' ¹ Yet Africa is still the land of the Africans and is likely so to remain. If, then, scholarship is to justify itself, it seems to me that there is a case for an integrated study of African history from the point of view of the Africans. 'The west today', argued Professor Toynbee in the Creighton lecture for 1947-8, 'is still looking at history from that old parochial self-centred standpoint which the other living societies have by now been compelled to transcend.' ² Signs of an adjustment in outlook and perspective are already apparent in such works as those of Dr. Vedder, Professor Macmillan and Dr. Schapira and in the anthropological investigations of the University of the Witwatersrand. ³ But the greater task still awaits attention. Lord Hailey has produced a monumental economic survey of Africa. ⁴ Is it beyond the wit of the historian to take all Africa as his theme before it is too late, and to write his story in language which by its sympathy and emphasis will have meaning, reality and appeal for the African peoples themselves ?

¹ J. H. Soga, *South-eastern Bantu* (Johannesburg, 1930), p. xvii.

² *History*, N.S. xxxiii (1948), 18.

³ Vedder, *op. cit.* ; Macmillan, *op. cit.* ; I. Schapira, *The Khoisan peoples* (1930) ; *The Journal of Bantu Studies*.

⁴ Lord Hailey, *An African survey* (London, 1938).

THE BYZANTINE EMPIRE IN THE ELEVENTH CENTURY: SOME DIFFERENT INTERPRETATIONS

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I WAS originally provoked into a consideration of this particular problem by reading Ostrogorsky's *Geschichte des byzantinischen Staates*.¹ A long-needed and courageous attempt to reconstruct the history of the empire and characterized by acute and penetrating analysis, this book is nevertheless marked by a certain unevenness of treatment. Side by side with brilliant sections on the achievements of the tenth century and the complications of the fourteenth (this latter perhaps the finest part of the book) must be set the brief and inadequate account of the years 1025–1081. Ostrogorsky is not alone. Mis-statements and omissions continue, and often in unexpected places.² Recent much used general histories, as for instance the third volume of the medieval section of the Glotz *Histoire générale*,³ still repeat the old emphasis on 1081 as the dividing-line between a time of painful disaster and the new era of Comnenian glory.

This paper is then a plea for the reassessment of the history of Byzantium in the eleventh century in the light of all available evidence.

My first point concerns the place of the years 1025–1081 in the pattern of Byzantine history. The middle Byzantine period is usually described in some such way as this.—From 843 to 1025 the empire extended and consolidated its frontier particularly in the north and the east, its internal life was tolerably well ordered, and at the same time its artists and scholars were creating the masterpieces for which their generation was famous. This era of prosperity and achievement was succeeded by what is variously described as political and moral decadence and decline, accompanied by an intellectual flare up in the mid-eleventh century stimulated by the activities of the brilliant and encyclopaedic, but corrupt, scholar, Michael Psellus. The incompetence which followed the death of Basil II in 1025 was

¹ G. Ostrogorsky, *Geschichte des byzantinischen Staates* (*Byzantisches Handbuch in Rahmen des Handbuchs der Altertumswissenschaft*, ed. by Walter Otto), Pt. i, vol. ii (Munich, 1940).

² See the reviews of *Byzantium*, ed. N. H. Baynes and H. St. L. B. Moss (Oxford, 1948), in the *Journal of Theological Studies*, 1 (1949) and in *Byzantinoslavica*, x (ii).

³ C. Diehl and G. Marçais, *Le monde oriental de 395 à 1081* (Paris, 1944).

only ended in 1081 with the accession to the imperial throne of the Emperor Alexius Comnenus, whose dynasty restored prosperity for the greater part of the twelfth century. This Comnenian prosperity was irretrievably undermined and the empire fatally disrupted by the events of the last quarter of the twelfth century, which led to the Fourth Crusade, the sack of Constantinople in 1204 and the establishment of the Latins in a substantial area of Byzantine territory. The pattern presented is one of high prestige—decline—recovery—collapse.

It is however nearer the truth to regard the years 1025–1204 as a single unit characterized by fundamental changes. I suspect that the racy gossip of Michael Psellus expatiating on the foibles of the Emperor Constantine IX, and the exceedingly partial pen of Anna Comnena magnifying the achievements of her father the Emperor Alexius, have influenced us more than we realize. The years 1081–1180 had only a veneer of prosperity, and it is a mistake to allow the contrast between the mid-eleventh century rulers and the efficient Comneni to obscure the fact that certain significant developments which radically altered the history of Byzantium were common to both periods.

The internal life of the East Roman Empire in the eleventh century and after is marked by the growth of what Byzantinists often describe as 'feudalism'. The struggle of the state to protect the smallholder against the great landowner was relaxed ;¹ the law making the rich responsible for the taxes of the poor was repealed ; immunities and privileges were granted with increasing frequency to the great lay and ecclesiastical landlords. Such changes affected imperial defence, for since the seventh century the state had to some extent relied for its soldiers and sailors on the small farmer holding his land under a hereditary obligation of military or naval service. And this system of defence was further undermined in the eleventh century by allowing men to redeem their obligation to military service by the payment of a lump sum. Diminution of imperial authority, such as is reflected in the failure of the state under Michael VII to maintain its corn monopoly against the privileged classes,² is most noticeable in increasing separatism : Lesser Armenia was established towards the end of the eleventh

¹ Ostrogorsky shows something of the difficulties involved and the subtlety of evasive methods, even in the tenth century, in 'The peasant's pre-emption right : an abortive reform of the Macedonian Emperors', *Journal of Roman Studies*, xxxvii (1947), 117–26.

² G. I. Bratianu, 'Une expérience d'économie dirigée : le monopole du blé, à Byzance au XI^e siècle', *Byzantion*, ix (1934), 643–62, and in *Études byzantines d'histoire économique et sociale* (1938), pp. 141–57.

century ;¹ Cyprus claimed independence under a member of the Comnenian house in 1185 ; and Trebizond broke away and formed a separate kingdom just before the Fourth Crusade.²

There were in addition economic difficulties in the last quarter of the eleventh century which threatened the stability of the Byzantine gold coin, the nomisma, on which Constantinople had built its position in international trade,³ and further complications were introduced into both economic and political life by reason of the activities of the great trading cities of Italy, more particularly Venice, Pisa and Genoa.

Changes in the character of the empire from the mid-eleventh century onwards were due also to certain external factors which introduced radical alterations on all three frontiers. And the effects were as disastrous in the twelfth as in the second half of the eleventh century.

In the Balkans there was growing insecurity both by reason of raids from nomads living beyond the Danube and from the increasing independence of the Croats and the Zeta and from the conquered Bulgarians, whose resentment at unwise Byzantinization was strong in both the eleventh and twelfth centuries.⁴ The eastern frontier was subjected to the spasmodic but increasingly effective attack and infiltration of the Turks, themselves of course by no means a united body. The Seljuks who defeated Romanus IV in 1071 failed to come to terms with his successor in Constantinople and proceeded to establish themselves in the kingdom of Rum, while the Ghazi Danismends, their rivals, settled further to the north.⁵ From then onwards the old Asia Minor, saved by the Isaurians, augmented and strengthened by tenth- and eleventh-century acquisitions and long regarded as the essential core of the empire, a vital recruiting ground and source of revenue, was lost to the Byzantines. Equally disquieting were developments in the west, where the Byzantines were ousted by Norman adventurers, who successfully established themselves in south

¹ See Sirapie Der Nersessian, *Armenia and the Byzantine Empire : a brief study of Armenian Art and Civilization* (Cambridge, Mass., 1945), pp. 11-12.

² See A. A. Vasiliev, 'The Foundation of the Empire of Trebizond (1204-1222)', *Speculum*, xi (1936), 3-37, and 'The Empire of Trebizond in History and Literature', *Byzantion*, xv (1941), 317-77.

³ G. Ostrogorsky, *op. cit.*, pp. 260 ff., who cites W. Wroth, *Catalogue of the Imperial Byzantine coins in the British Museum*, i (1908), 540 ff., pl. lxi and lxii, showing a normal nomisma and 6 variants.

⁴ D. Obolensky, *The Bogomils : a study in Balkan Neo-Manichaeism* (Cambridge, 1948), pp. 169 ff., shows the importance of the Bogomils and Paulicians in organizing resistance to Byzantinization in both the eleventh and twelfth centuries.

⁵ On this whole question see P. Wittek, 'Turkish Asia Minor up to the Osmanlis', in *The Rise of the Ottoman Empire* (1938).

Italy and Sicily and then proceeded in the '80's of the eleventh century to inaugurate the policy which was eventually—in other hands—to reshape the course of Mediterranean and Byzantine history in the later Middle Ages. Under Robert Guiscard they laid claim to the Byzantine Empire itself.

Norman and western ambition, only thinly disguised by taking the name of 'crusade', and cleverly exploiting the enthusiasm of the reformed papacy, had as its object the conquest of Jerusalem and the Holy Land and their retention in Latin hands. It is this embarrassing corollary to the eleventh-century establishment of the Normans in Italy and the Turks in Palestine and Asia Minor, that indissolubly links the history of the two centuries. The Comneni could to some extent break the shock of the crusading movement, but they could not retrieve the imperial position or re-establish their claim to lost provinces now in other hands. With the twelfth-century intrusion of the Turks and the Latins into neighbouring lands and the infiltration of the latter into the Byzantine Empire itself, the political balance of the Near East was upset and the more important forces which were ultimately to lead to the destruction of the empire were released. The Latin conquest of 1204 opened the door to the later Ottoman.

Developments which characterized the political and economic life of the empire in the eleventh century are, then, aggravated in the twelfth century. When Diehl speaks of 'the new era' of the Comneni and the 'glorious' character of their achievement,¹ he is allowing (and he is not alone) capacity for statesmanship to obscure the extent to which the Comnenian rulers were faced with economic insecurity, increased dependence on mercenaries and allies with navies, the menace of separatism and forced reliance on an almost independent nobility. All this binds the twelfth to the eleventh century and sharply distinguishes the political life of both from the earlier period.

The same is true of the ecclesiastical relations between Rome and Constantinople. The violent quarrel of 1054 cannot be taken out of its context. But while all would agree that it can only be understood in the light of past history, few sufficiently emphasize that its full implications were drawn out by events in the succeeding 150 years. This schism of 1054 between the two churches was not in itself necessarily 'definitive' or 'final' as so many scholars still lead the uninitiated to believe.²

¹ Diehl, *op. cit.*, p. 565.

² E.g. Herbert Bloch, 'Monte Cassino, Byzantium, and the West in the earlier Middle Ages', *Dumbarton Oaks Papers*, Number 3 (Cambridge, Mass., 1946), p. 191, and even worse in *A History of Byzantine Music and Hymno-*

It was not regarded in contemporary official circles as unhealable: the actual wording of the anathema, directed only against the Patriarch Michael Cerularius and his associates with its references to 'the orthodox city', indicate that at the time a door was left open.¹ In the years after the Cardinal Humbert had shaken the dust of S. Sophia from his feet evidence of various kinds points to the possibility of an understanding. More than twenty years ago Holtzmann drew attention to a manuscript in the British Museum which contains, among other documents, an account of a synod held in September 1089 under the presidency of the Emperor Alexius Comnenus to consider Urban II's complaints that the pope's name had been wrongly (i.e. without judgement of a synod) struck off the diptychs. The synod could evidently find no written decision on this matter and the emperor insisted that, provided the customary systation or profession of faith reached Constantinople, the pope's name could be restored to the diptychs, and promised that this would be followed by consideration of disputed points by a synod at which the pope or his representative was present.² Further evidence of a less official nature, the experiences of travellers to the Holy Land for instance, is used by Bernard Leib and George Every to demonstrate that throughout the eleventh and for a good part of the twelfth century amicable relations between the various branches of the church continued at any rate in practice.³ Official schism between Constantinople and Rome did not necessarily affect relations between Rome and Jerusalem on the one hand, or Jerusalem and Constantinople on the other. The drama of the heated quarrel between the Patriarch Cerularius and Cardinal Humbert has tended to obscure other factors, such as the effect on the ecclesiastical situation of the slowly growing political and economic tension, aggravated by the crusading movement, which led to the Latin capture of Constantinople in 1204. It was not in 1054 but in the late twelfth and early thirteenth centuries that the minds of the orthodox were so hardened that

graphy (Oxford, 1949), p. 140, where Dr. Wellesz writes 'the liturgical controversy between Cerularius and Leo IX in 1054 was the final inducement to a permanent schism'.

¹ Cardinal Humbert, *Brevis et succincta commemoratio*, in J. P. Migne, *Patrologia Latina*, cxliii, 1001, and in C. Will, *Acta et scripta quae de controversiis ecclesiae graecae et latinae saecula xi composita extant* (Leipzig and Marburg, 1861), p. 153.

² W. Holtzmann, 'Die Unionsverhandlungen zwischen Kaiser Alexios und Papst Urban II in Jahre 1089', *Byzantinische Zeitschrift*, xxviii (1928), pp. 38-67.

³ B. Leib, *Rome, Kiev et Byzance* (1924); G. Every, *The Byzantine Patriarchate, 451-1204* (1947).

all attempts at reunion in the later Middle Ages were foredoomed to failure.

To speak of political and economic and ecclesiastical difficulties and to stress *change* in an adverse sense would however be to give an unbalanced picture of the eleventh century. Growth and vitality having their roots in a living tradition were as evident then as at any time. And there was too that underlying unity which was personified in the emperor, a unity which gave meaning to the empire even when its final conquest by the Ottomans was a question not of years but of months. It is this unity and this living tradition which explain the contrast in the later Middle Ages between on the one hand the hopelessness of political and military inadequacy and on the other the maintenance of full imperial claims and the late flowering of art and learning.

Some foreshadowing of this kind of situation is found in the eleventh century.

Take for instance the Byzantine conception of imperial authority. In the course of a thousand years or more this changed in details of emphasis and interpretation. Grabar's fine analysis of the conception of the imperial office as reflected in official art,¹ and Ensslin's brilliant essay on the emperor and imperial administration in *Byzantium*² are two convincing demonstrations of the error of overstressing a 'static' condition. But—behind such changes remained the common belief in the earthly empire as the *corpus politicum mysticum* and in the emperor as the representative of God. There were, however, clearly appointed limits in the ecclesiastical sphere beyond which the imperial authority could not run, and the working basis of the Byzantine polity was a close-knit interdependence of church and state. The term 'caesaropapism' is of course an anachronism after the days of the iconoclasts, though there is still some reluctance to recognize this fact.³ In essentials the relationship between emperor and patriarch, from the days of the iconoclasts onwards at least, remained unchanged, though not entirely unchallenged. The real high light of the Patriarch Michael Cerularius's career was not his attack on Roman authority and usage which provoked the

¹ A. Grabar, *L'empereur dans l'art byzantin* (1936).

² W. Ensslin, 'The emperor and imperial administration' in Baynes and Moss, *Byzantium*, pp. 268–307, though he does rather glide over the church and state controversy and follows von Sickel and Dölger (cf. p. 270).

³ Cf. Baynes and Moss, *Byzantium*, p. 162: 'the tradition of Caesaropapism which dated back from the earliest days of Byzantium emerged from the Iconoclastic controversy unshaken'—a curious lapse on the part of Delehay, but corrected by very different statements by Dr. Baynes in the Introduction (p. xxviii) and by Professor Ensslin in his essay (p. 276).

anathema of 1054, but his quarrel in 1058 with the Emperor Isaac I Comnenus and his conspicuous failure to gain his point ; all he got was a good write-up in his obituary notice. He was a proud and overbearing man, and, failing to dominate the emperor whom he had helped to the throne, he attempted to make the church supreme at the expense of the imperial office. The tension of the situation is reflected in Scylitzes' brief account of the imperial reaction to what are described as patriarchal 'snarlings',¹ and the drama of the quarrel lives in the elaborate and informative *Accusation*.² This last is an invaluable document which sets out the main charges of treason and heresy, and produces a wealth of detailed supporting evidence from the patriarch's public and private life, ranging from assumption of the insignia of imperial office to most injudicious dabbling in spiritualism.³ The patriarch, arrested by order of the emperor, did not live to stand his trial ; the *Accusation* was not needed after all, but was replaced by a diplomatic *Funeral Oration*.⁴

But the moral of Cerularius's defeat is its demonstration of the strength of the imperial tradition. Though it was a period of political uncertainty, the normal relation between church and state was still maintained.

Then there is a considerable body of evidence to show that the eleventh century was characterized by creative activity of the highest significance. It is here that the traditional account of this period most needs to be filled out and in some respects restated. It is here that one is most conscious of certain misrepresentations, not only in Ostrogorsky's *History* but also in other recent work. Apart from its imperial tradition, the peculiar strength and glory of Byzantine civilization had always been the Christian life of the empire and educational and literary achievement—on the one hand monasticism and the development of art and liturgy, on the other the activity of its university and scholars.

Of the quality of eleventh-century monastic life there is no need to speak here : it has long been recognized that there was

¹ Scylitzes, ii. 643 (ed. I. Bekker, *Corpus script. hist. byzantinae*, Bonn, 1839, and in J. P. Migne, *Patrologia Graeca*, cxxii).

² Ed. L. Bréhier, *Revue des études grecques*, xvi (1903), 375-416 and xvii (1904), 35-76, and more recently by E. Kurtz and F. Drexler, *Michaeli Pselli Scripta Minora* (Milan, 1936), i. 232-328. This document might well be translated into English.

³ For some interesting sidelights on medieval séances see E. H. R. Dodds, 'Theurgy and its relationship to Neoplatonism', *Journal of Roman Studies*, xxxvii (1947), 55-69.

⁴ Michael Psellus, *Funeral oration for the Patriarch Michael Cerularius* (ed. Sathas, *Bibliotheca graeca medii aevi*, iv (Paris, 1874), 303-87).

in the eleventh century no break with tradition. The foundation of houses in Asia Minor, on Mount Athos, in Constantinople and elsewhere continued and we know something of the way in which monks lived and thought. Against some lack of effective central control or absence of staying power, particularly in small rural foundations, must be set the writings and ideals of such as Symeon the Young, Nicetas Stethatus or John of Euchaita.¹

The lives not only of monks, but of laity too, were further enriched by the liturgical artists and craftsmen of the period, and it is here especially that I would plead for more generous recognition of recent work. Distinguished contributions to our knowledge of such liturgical activity have been, and are being, made by such scholars as Dr. Tillyard and Dr. Wellesz² in the field of Byzantine music, by Dr. Otto Demus and others particularly on mosaic decoration as an important aspect of monumental art.³ We can now decipher with tolerable certainty the music used in the church services; we are now beginning to appreciate the full significance of the design and execution of the eleventh-century mosaics and to apply to this study the canons of a far more exact criticism than ever before. And the place of hymnography in this liturgical activity can be further illustrated by the collection of eleventh-century canons written by John Mauropous, for such collections were meant to be used in the church services and were closely linked with the music to which they were composed.⁴ There is now no excuse for the omission of some appreciation of these developments from any book claiming to describe the Byzantine world.

Music, canons and mosaics cannot be treated in isolation; they are indissolubly joined each to the other in a single liturgical framework. They conformed to certain well established rules and patterns and the accepted laws of composition must be understood before the full achievement of the artist can be rightly appreciated.

The iconography of the mosaic decoration of the middle

¹ See J. M. Hussey, *Church and Learning in the Byzantine Empire 867-1185* (Oxford, 1937), pp. 158 ff. John Mauropous in his *Vita S. Dorothei* shows us something of what a small eleventh century house meant to the villagers in a country district in Asia Minor in much the same way as the *Life of St. Theodore of Sykeon* does for the seventh century (see E. Dawes and N. H. Baynes, *Three Byzantine Saints*, Oxford, 1948).

² E. Wellesz, *A History of Byzantine Music and Hymnography* (Oxford, 1949). This contains a bibliography which lists the more important books and articles by Dr. Wellesz and Dr. H. J. W. Tillyard.

³ O. Demus, *Byzantine Mosaic Decoration: Aspects of Monumental Art in Byzantium* (1948). See also below, p. 80, n. 2.

⁴ J. M. Hussey, 'The Canons of John Mauropous', *Journal of Roman Studies*, xxxvii (1947), 70-3.

Byzantine period aimed at promoting in its beholder a sense of participation. In Demus' view it was in the great monastic churches of the eleventh century, Hosios Lukas, Nea Moni of Chios, and Daphni, that this was most perfectly achieved. Their mosaics formed a considered scheme of decoration which was an integral part of a liturgical arrangement of the church. This decoration was so planned as to bring out the teaching of Byzantine theology with its Christological emphasis, and more than that, for as he entered the narthex or stood in the nave the participant in the services did not simply learn something about the great truths of Christian teaching, but he could realize that he himself was actually present in both seen and unseen worlds. The very technique of the middle Byzantine mosaic painting produced images which were not 'framed' or artificially separated from the beholder; the beholder is himself—and here I quote Demus—'enclosed in the grand icon of the church; he is surrounded by the congregation of the saints and taking part in the events he sees'.¹

The same intention lies behind the hymns and music of the period. They knew no 'originality' in an individualistic sense of the word. Both were part of a tradition of hymnography whose roots were in Jewish and Syrian soil² and which had grown out of the *troparion* and the *kontakion* into the more elaborate *canon* which developed from the eighth century onwards and which is admirably represented in its late form in the monumental collection of the eleventh-century John of Euchaita. After the end of the eleventh century, I do not know of any substantial addition to the corpus of canons, but the existing melodies continued to be increasingly elaborated and embellished and the accepted *Hirmologion* or book of tunes thus enlarged and enriched. These canons and their music show the variety possible within the appointed limits. The acceptance of a pattern presented no obstacle to a Byzantine and on its basis he was accustomed to create fresh poetic or musical variations without abandoning the essential link with the older works. This was not restrictive or mechanical and it had a purpose. Thus in the case of a canon each of its nine odes or hymns, whatever festival or occasion may have been in mind, was also associated with some special canticle of the Old or New Testament, and in this way singers and listeners, reminded of the *Benedictus* or *Magnificat*, or whatever might be the model, were carried in thought to the great hymns of divine

¹ O. Demus, *op. cit.*, p. 13. See also E. Diez and O. Demus, *Byzantine Mosaics in Greece: Hosios Lukas and Daphni* (Cambridge, Mass., 1931).

² See E. Wellesz, *Eastern Elements in Western Chant* (*Monumenta Musicae Byzantinae*, Amer. Ser., i, 1947).

inspiration and could in turn feel that they too in their humble way were linked with the ranks of the heavenly hierarchy.

As Dr. Wellesz has pointed out, much remains to be done in this field. But in his last work he has at any rate provided a first-class introduction to hymns and music and their place in the liturgy, in terms which can be understood by those who are not liturgiologists or musicians. And, which is equally important, both here and in earlier works such as the edition of the September *Stikerarion*, Dr. Wellesz' attitude to his subject marks an epoch.¹ I have taken only one or two outstanding instances of recent contributions in the fields of music and art. There is an interesting report by Dr. Weitzmann on Byzantine art and scholarship in America which shows the material which is rapidly being made available and reflects that change of attitude which is so marked a feature of present-day Byzantine studies.² Work such as this makes it possible for the historian to reconstruct the liturgical approach and background which in a Christian empire was so important a part of the everyday existence of all, however humble and unlearned, monk, cleric and layman alike.

The intellectual world on the other hand was much more highly specialized and more limited in its sphere of influence. Here again it is a mistake to take Anna Comnena at her face value when she comments on the achievement of the period before her father's accession in 1081. She admits interest in learning in the mid-eleventh century and pays a tribute to Michael Psellus,³ but she still thinks it necessary to point out that when Alexius became emperor, he found all education 'in a very poor way and the regular study of letters apparently banished afar'.⁴ On raking over the ashes, so Anna goes on to tell us, he discovered only a few live sparks and these were concentrating on the preliminaries of Aristotelian philosophy. He at once, and very properly implies Anna, directed their attention from Greek literature to the divine books. (The emphasis was no doubt on the word 'divine', but one should

¹ E. Wellesz, *A History of Byzantine Music*, and *Die Hymnen des Stichevarium für September* (*Monumenta Musicae Byzantinae*. Transcripta, i, Copenhagen, 1936).

² K. Weitzmann, 'Byzantine Art and Scholarship in America', *American Journal of Archaeology*, li (1947), 394-418. See also P. Lemerle's recent bibliography on all aspects of Byzantine art, 'Bulletin Archéologique 1940-1947', *Revue des études byzantines*, vi (1948), 199-240.

³ Anna Comnena, *Alexiad*, v. 8 (ed. and trans. B. Leib, ii (Paris, 1943), 33-4). Cf. Sirapie Der Nersessian, *op. cit.*, pp. 26 ff., for the Armenian Gregory Magistros' somewhat different comment on intellectual life in Constantinople in 1045 and after.

⁴ Anna Comnena, *op. cit.*, v. 9, pp. 38-9. I use here the translation of E. Dawes, p. 136.

remember that a study of the Bible and the Fathers can be a severe intellectual discipline.) The modified but still inadequate version of Anna which continues to haunt some general histories consists of a passing reference to a reconstituted university in the mid-eleventh century followed by a fairly full but somewhat biased account of the scholar Michael Psellus. Ostrogorsky, in many respects so acute and penetrating in his analysis, is a recent instance of a historian who appears to take this view,¹ influenced, I suspect, partly by Neumann.

Now Neumann's *Die Weltstellung des byzantinischen Reiches*, written in 1894, remains one of the best introductory essays to the eleventh century.² Although like Diehl he tends to over-stress orientalizing, his account of the political history of the period does in the main still stand. It is followed by a spirited chapter on Psellus, who is described as a solitary figure among the multitude of boring and arid minds which disfigure the pages of Byzantine literature.³ Neumann then analyses Psellus' political career, laying bare his self-seeking and lack of sincerity but very fairly pointing out the difficulty of maintaining detachment and consistency at the court of a despotic ruler. What was originally a guarded statement is expanded in Zervos' book on Psellus,⁴ and blunted in the course of repetition appears in Ostrogorsky in a somewhat different version. Both in cultural activities and in his moral corruption Psellus has now become 'the most representative figure of his age'.⁵ It is clear that Psellus was an ambitious and unscrupulous man; he was too an ardent scholar with an encyclopaedic range of knowledge. He was passionately devoted to philosophy, particularly Platonic studies; like most of his contemporaries he was interested in the occult world; he wrote poetry, funeral orations, panegyrics, theological

¹ Ostrogorsky's *History* does not of course profess to deal in detail with all aspects of Byzantine civilization, and certain subjects are reserved for other volumes in the series. But he does nevertheless give some account of learning and of Psellus and in so doing leaves himself open to criticism.

² C. Neumann, *Die Weltstellung des byzantinischen Reiches vor den Kreuzzügen* (Leipzig, 1894). French translation by Renaud and Kozlowski in the *Revue de l'orient latin*, x (1905). My page references are to the French translation.

³ Neumann, *op. cit.*, p. 140.

⁴ C. Zervos, *Un philosophe néoplatonicien du XI^e siècle: Michel Psellos* (1920), *passim* (e.g., p. 59: 'parmi les savants de cette époque et tous ceux qui viendront après lui dans Byzance, il n'en est pas un qui ait été aussi complètement l'image de son temps que ce philosophe et homme d'Etat').

⁵ Ostrogorsky, *op. cit.*, p. 230: 'In seinem überaus fruchtbaren Wirken auf kulturellem Felde wie auch in seiner unheilvollen politischen Tätigkeit und abgründigen moralischen Verdorbenheit ist Psellos die repräsentivste Gestalt dieser Zeit.' Ostrogorsky is of course aware of the work of Psellus' contemporaries, but he seems to me to give an erroneous impression of their activities and their characters.

treatises and innumerable letters; he produced a first-rate history of his own times; and, whatever his shortcomings, he was a convinced Christian.

But in literary achievement, though exceptional in his range—and no one would wish to depreciate his achievement—Psellus does not stand alone, nor can his contemporaries in general be charged with precisely his own defects of character. The names of other scholars about whom we know a certain amount and may hope to know still more in the near future immediately come to mind: Xiphilinus, whose work has recently been examined by one of Professor Dölger's pupils in Munich;¹ Cecaumenus, the definitive edition of whose works, after crossing the Atlantic and back, is due to appear in Brussels;² Theophylact of Bulgaria, whose letters at least we may hope to see in a critical edition.³ These and other of Psellus' contemporaries each have their own particular bias and interest, and none of them can be described as morally corrupt.

Further, the works both of Psellus and of the scholars and authors just mentioned only represent one side of the Byzantine literary tradition. The *written* tradition can be divided into at least two branches: one, to which Psellus and some of his friends belonged, looked back to classical models and consciously tried to use classical forms, syntax, and metres, and often (as Professor Dawkins has so lucidly explained in a recent essay) showed by some mistake that many such forms had now dropped out of everyday use.⁴ But there was another body of literature whose style was much nearer to the spoken language, lives of the saints for instance (sometimes for that very reason deliberately remodelled into a more 'correct' version by later purists),⁵ or religious poetry covering a fairly wide range from canons and hymns in our sense of the word to mystical poems describing the Christian experience. The *Hymns of the Divine Loves*, written by Symeon the Young, one of the greatest spiritual leaders produced by Byzantium and published in 1035 by his friend and pupil and biographer Nicetas Stethatus,⁶ have

¹ K. Γ. Μπώνης, 'Ιωάννης δ Ξιφιλίνος', *Texte und Forsch. zur byz.-neugr. Philol.*, xxiv (Athens, 1938).

² Dr. Georgina Buckler's edition of Cecaumenus, delayed by the war, is announced as forthcoming in the *Corpus Bruxellense Historiae Byzantinae*.

³ It is understood that this is being prepared by Dr. Alice Leroy-Molinghen.

⁴ R. M. Dawkins, 'The Greek Language in the Byzantine Period', in Baynes and Moss, *Byzantium*, pp. 252-67.

⁵ This happened for instance in the case of the ninth-century St. Theodora of Thessalonica, whose *Life* is discussed in a learned and interesting review by Dr. Paul Maas in the *Byzantinische Zeitschrift*, xii (1903), 614 ff., where he compares the style of the three different versions which we have.

⁶ Nicetas Stethatus, *Vita Symeonis Junioris* (ed. I. Hausherr and G. Horn, *Orientalia Christiana*, xii, 1928), *cap.* 140, pp. 204-6, where Nicetas tells how

been used by his fellow Christians either in Greek or a Russian translation from that day to this. The Latin translation in the *Patrologia Graeca*¹ which is all that is generally available in the west, conceals the significant fact that the metre used by Symeon is the popular verse, either 15, 12, or 8 syllabled, paroxytonic and ignoring quantity. This can be seen from the Greek original, still for the most part in manuscript, where the hymn looks like continuous prose but is separated by points into lines of equal syllabic length.² This was also pointed out by Dr. Maas, who edited four of the hymns in 1922 in a paper hidden away in the *Festgabe Albert Ehrhard*.³ Maas once meant to produce a critical edition and did a good deal of preliminary work on the manuscripts, and it is Maas who emphasizes in his brief but highly significant introduction that Symeon was the first notable writer to use these metrical forms and probably did much to popularize the so-called 'political verse'. The importance of the content of his 'hymns' as well as of his prose works has long been recognized, particularly in Holl's study.⁴ For the monastic historian and more especially for the theologian and the student of orthodox spirituality these *orationes* and hymns and *capita* form one of the most important single contributions made in the medieval Greek-speaking world, and their influence on later generations is only now receiving impartial re-examination. This is particularly true in connection with the background of the hesychast movement in the fourteenth century and is still not sufficiently recognized.⁵

Symeon is of course an exceptionally important figure: a spiritual leader and a powerful influence in lay circles in Constantinople, a successful if somewhat intimidating monastic reformer and abbot, a landmark in the development of a popular, in contrast to what is sometimes described as the

he came to give Symeon's works to the public. Nicetas describes these writings as *kontakia* (*Vita*, cap. 131, p. 190). Perhaps they are more properly called *The Loves of the Divine Hymns*, cf. Monac. MS. gr. 177, f. 209.

¹ J. P. Migne, *Patrologia Graeca*, cxx. 507 ff. There is a German translation by K. Kirchhoff, *Symeon der neue Theologe: Licht vom Licht: Hymnen* (Hellerau, 1930). This is not generally accessible in England, and I hope to publish my own translation of both *orationes* and hymns which was completed before the war when I was working on the Greek text of Symeon's writings.

² Cf. Monac. MS. gr. 177, f. 209 ff.

³ P. Maas, 'Aus der Poesie des Mystikers Symeon', in *Beiträge zur Geschichte des christlichen Altertums und der Byzantinischen Literatur: Festgabe Albert Ehrhard*, ed. A. M. Koeniger (Bonn-Leipzig, 1922), pp. 328-41.

⁴ K. Holl, *Enthusiasmus und Bussgewalt beim griechischen Mönchtum. Eine Studie zu Symeon dem Neuen Theologen* (Leipzig, 1898). Cf. J. M. Hussey, *Church and Learning*, pp. 201 ff.

⁵ See H. Delehaye, 'Byzantine Monasticism', in Baynes and Moss, *Byzantium*, p. 158, and H. Grégoire, 'The Byzantine Church', in *ibid.*, pp. 115-16, where the general reader may not realize how great an injustice is done both to Symeon and to hesychasm.

aristocratic, literary tradition. He belongs to a world for the most part outside the experience of Michael Psellus, though no less than Psellus he is a Byzantine of his day and generation.

The inadequacy of describing either intellectual and literary activity or indeed the temper of the age in terms of Michael Psellus may be demonstrated by one final reference to a scholar and author who was himself one of Psellus' greatest friends, but who can with more truth be singled out as representative of the interests and activities of an educated eleventh-century Byzantine.

John Mauropous (to use his nickname), sometimes called John of Euchaita (after his see in Asia Minor), is revealed in his own writings and in the impression he made on contemporaries as one of the most likeable of eleventh-century humanists.¹ His austerity and self-discipline were mellowed by a genius for friendship; he had the quiet satisfaction of a poet in the things around him; less passionate and less critical than Symeon the Young, he learnt to walk a more even path on heights that Symeon only sometimes knew. Mauropous after his boyhood in Asia Minor started out as a private coach in Constantinople, giving his spare time at nights to his own research; then owing to the unwelcome good offices of his friend and pupil Psellus he became a personage in imperial circles and prominent in the reconstruction of the university in the mid-eleventh century, with a position as lecturer in the Faculty of Philosophy; he is known to have become a monk, for a time at any rate in a house in Constantinople, and he was a bishop in Asia Minor (much against his will, he says). We do not know the year of his death, only that it was on 5 October and in extreme old age.² There is no evidence known to me for the positive statement still handed down from book to book that it was in 1060;³ it may very probably have been in the early years of Alexius Comnenus' reign some twenty years later. All his life he was distinguished not only for his tact and other gifts as an administrator and a teacher, but for his single-mindedness, his detachment and his integrity. When he died an Office was written in his honour by his nephew Theodore, but we do not know how long his cult lasted, and Mercati says that his name is not in any

¹ This account of John Mauropous is based on work which I have been doing on him for a number of years. Cf. J. M. Hussey, *Church and Learning*, pp. 39 ff. and 234 ff. and 'The Canons of John Mauropous'.

² This is stated in his Office, recently published from Vaticanus MS. Pal. Gr. 138 by S. G. Mercati, 'Ufficio di Giovanni Mauropode de Euchaita composto dal nepote Teodoro', in *Mémorial Louis Petit (Archives de l'orient chrétien, i, published by the Institut Français d'études byzantines, Bucharest and Paris, 1948)*, p. 350.

³ A recent instance is E. Wellesz, *History of Byzantine Music*, p. 207.

known calendar.¹ It does of course appear with a tribute to his saintliness in the account of the institution of the festival of the Three Fathers in the Office of Orthros in the *Menaion* for 30 January.

His own body of written work consists mainly of poetry, letters, sermons and the life of a contemporary saint. I doubt whether it gives him any claim to be called 'the last Father of the Church',² but it certainly does bear out some of the points which I have tried to make. His poetry illustrates admirably the two-stream literary tradition, for some is in classical metre and some (the greater part and still nearly all unpublished) in the form of the canon. Throughout his writings, particularly in his letters and sermons, we have a moving commentary on the *insecurity* of the times in which he lived, but however conscious he was of what he calls 'the rough seas of the present day', and whatever the tension and conflict of his own personal life, there was no uncertainty in his mind as to the validity of the Byzantine conception of a Christian Roman Empire, and no hesitation as to the responsibilities of its citizens, whether lay or ecclesiastic. If we want to understand why the Byzantine Empire had so long a life, we should think in terms not of Michael Psellus but of John Mauropous. If we attempt to rewrite the history of the civilization of the Byzantine Empire in the eleventh century, or at any other time, then we must begin by recognizing what has been described as 'the connection between tradition and perfection'.³

¹ S. G. Mercati, *op. cit.*, p. 348.

² E. Wellesz, *op. cit.*, p. 207 (quoting J. M. Neale, *Hymns of the Eastern Church*, 2nd ed., 1863, p. 160).

³ K. Weitzmann, 'Byzantine Art and Scholarship in America', *American Journal of Archaeology*, li (1947), 418.

THE COLONIAL OFFICE AND THE ANNEXATION OF FIJI

The Alexander Prize Essay

BY MISS ETHEL DRUS, M.A.

Read 11 June 1949

IN 1855, Thakombau, chief of Bau ¹ in Western Fiji, was placed in a curious dilemma. He was recognized as the leading chief of Fiji by the United States Government, but at the same time he was held responsible for a sum of \$45,000 ² in compensation for damage to the property of United States citizens. Thakombau had, indeed, aspired to the sovereignty of the entire island group, but he was quite unable to meet the claim. A few years later, on 8 October 1858, a promise was wrung from him to settle the account within a year. Harassed by his inability to do so, he turned to the British Government for assistance, and within a week, on 12 October 1858, he had signed a formal deed ceding the whole of Fiji to Great Britain.³ This document had been drawn up by the British Consul, W. T. Pritchard, who had only recently arrived in Fiji, but at once proceeded to London to urge the acceptance of the offer.

It was realized in Britain that Fiji had its attractions as a cotton-producing region and as a coaling station. The matter was referred to the Colonial Office, since the territory, if annexed, would come under that department.⁴ Herman Merivale, the head of the permanent officials, was inclined, after some hesitation, to favour the proposal,⁵ but the Parliamentary Under-Secretary, Lord Carnarvon, objected that the Fiji Islands would be a troublesome and unprofitable addition to the empire. Yet after considering the matter very carefully he conceded that there might be strong political reasons for

¹ Bau was a small island south-east of Viti Levu, but the chief's influence extended beyond it.

² J. I. Brookes, *International Rivalry in the Pacific Islands, 1800 to 1875*, p. 248. She points out that 'through the magic of interest' this sum was increased to \$67,425.41.

³ C[orrespondence] R[elative to the] F[iji] I[slands]. [Cmd. 2995], pp. 3-4. H.C. (1862). XXXVI, 701.

⁴ C.O. 201/510: Minute by Gairdner, 7 April 1859. '... it is rather a question for the Colonial than for the Foreign Secretary of State to consider whether the British Government should accept the cession of a new Colony'. Merivale agreed.

⁵ *Ibid.*: Minute dated 21 February 1859, on Hammond to Merivale, 18 February 1859.

accepting the offer and suggested that further information should be obtained.¹

The Admiralty Hydrographer, Captain John Washington, was so strongly in favour of annexation that he recommended the occupation of Tonga and Samoa as well as Fiji. He pointed out that Britain had not a single base in the Pacific Ocean between Vancouver and Sydney, a distance of 7,000 miles.² The Manchester Cotton Supply Association was equally enthusiastic,³ and from the Foreign Office came the assurance that there would be no risk of complications with foreign powers.⁴ Sir Edward Bulwer Lytton, the Secretary of State for the Colonies, considered that the offer should be 'most cordially entertained',⁵ but he felt that a decision must be deferred as the fate of the Government depended on its reform bill.⁶

As it turned out, Lord Derby's government was defeated on this issue, and it fell to Lord Palmerston's ministry to settle the question of Fiji. The duke of Newcastle succeeded Bulwer Lytton as Colonial Secretary, with Chichester Fortescue as his lieutenant in the House of Commons. Many years later, Gladstone asserted that Newcastle alone in the Palmerston ministry had favoured annexation.⁷ Despite the opposition of Gladstone⁸ and the apparent indifference of Palmerston and Russell,⁹ it would, however, have been impolitic for the Government to give an outright refusal to the offer of cession, since the former Prime Minister, Lord Derby, had publicly stated that his Government inclined to acceptance.¹⁰

¹ C.O. 201/510: Minute dated 22 February 1859, on Hammond to Merivale, 18 February 1859.

² *Ibid.*: Report enclosed in Admiralty to C.O., 14 March 1859. Printed in *CRFI*, pp. 10-11.

³ *Ibid.*: Report enclosed in F.O. to C.O., 5 March 1859. Printed in *CRFI*, p. 12.

⁴ *Ibid.*: F.O. to C.O., 21 April 1859. Printed in *CRFI*, p. 15.

⁵ *Ibid.*: Hammond to Merivale, 18 February 1859. Minute dated 28 February 1859.

⁶ *Ibid.*: Admiralty to C.O., 14 March 1859. Minute dated 17 March 1859.

⁷ Hansard's *Parliamentary Debates*, 3rd Series, ccxii (1872), col. 216. Debate in the House of Commons on the Fiji Islands, 25 June 1872.

⁸ Gladstone was then Chancellor of the Exchequer and very anxious to cut down expenditure on defence. In a private letter to Lord John Russell (P.R.O., G.D. 22/19, 22 August 1859) he referred to the burden of protecting the empire and thanked God that the Fiji Islands were not a British possession. This is the only letter in the Russell Papers in which Fiji is mentioned. It should be noted, however, that some months after this letter was written, Smythe was commissioned to make an inquiry.

⁹ The paucity of Lord John Russell's comments on Consul Pritchard's dispatches is remarkable. Nor was there anything about Fiji in the collected minutes and memoranda in the series F.O. 96 covering the period between 1858 and 1862. I have unfortunately not been able to see the Palmerston Papers.

¹⁰ C.O. 201/510: F.O. to C.O., 21 April 1859. Minute by Gairdner, dated 25 April 1859.

It was therefore decided to send a commissioner to make a special inquiry, and Lieutenant-Colonel W. J. Smythe, R.A., left England at the beginning of January 1860. In the meantime, Consul Pritchard had been instructed by the new Foreign Secretary, Lord John Russell, to return to Fiji and inform the chiefs that their offer of cession was under the consideration of Her Majesty's Government. When the Consul reached Levuka on 1 November 1859, he found that factious rivalry had produced a state of anarchy, but he restored order, and at a meeting of all the important chiefs at the consulate he secured a ratification of the offer of cession (14 December 1859). Smythe reached Levuka only in July 1860, for, owing to the outbreak of the Maori war in New Zealand, he had been unable to obtain a direct passage from Sydney and had been obliged to proceed with the squadron to Auckland, from which he eventually sailed in a specially chartered ketch for Fiji.

It is important to notice that as early as June 1860, before Smythe had even reached Fiji, and more than a year before his final report was received in England,¹ the officials of the Colonial Office were unanimously opposed to annexation. They were greatly influenced by the advice received from Sir William Denison, the governor of New South Wales. In a dispatch announcing the arrival of Smythe at Sydney, he drew attention to the action of Pritchard in inserting notices in the Sydney papers inviting white settlers to Fiji. He pointed to the case of New Zealand, where the colonists were then at war with the Maoris, and maintained that in Fiji the inevitable attempt to secure and maintain European supremacy would lead to even more violent conflict.² The minutes on this dispatch indicate clearly that not a single Colonial Office official was in favour of annexation.³

The duke of Newcastle agreed that the Foreign Office should be asked to rebuke Pritchard for accepting from the chiefs full power to govern Fiji.⁴ The Foreign Office readily complied with this request.⁵ Moreover, at the suggestion of G. Gairdner, the Chief Clerk, the correspondence between the two Offices was sent to Sir William Denison, not only for his own information, but with the further object of communicating

¹ Received at the Colonial Office on 17 August 1861.

² C.O. 83/1: Denison to Newcastle, Confidential, Sydney, 10 April 1860. Received at the C.O. on 18 June 1860. Printed in *CRFI*, pp. 20-1.

³ *Ibid.*; see minutes on Denison to Newcastle, Confidential, 10 April 1860.

⁴ See *CRFI*, pp. 18-19, and R. A. Derrick, *A History of Fiji*, pp. 143-4.

⁵ C.O. 83/1: C.O. to F.O., 31 July 1860. Printed in *CRFI*, pp. 19-20. Also F.O. to C.O., 31 August 1860 (with copy of dispatch from Russell to Pritchard, 20 August 1860), printed *op. cit.*, p. 21.

to Smythe indirectly the views of the Colonial Office.¹ It seems probable, therefore, that Smythe was not unaware of the bias of the Colonial Office against annexation, and that this knowledge may have influenced him in reporting adversely.

As early as November 1860 Smythe indicated, in a preliminary report, that he would not recommend acceptance of the offer of cession.² This intimation was received at the Colonial Office with great satisfaction.³ Hence when the final report arrived on 17 August 1861,⁴ there was little need to discuss the pros and cons of annexation. Newcastle agreed with Rogers that the report was 'quite conclusive against the acceptance of the Sovereignty'.⁵

The Foreign Office was advised that the offer should be refused as annexation would involve Great Britain in 'large immediate expense . . . native wars and possibly disputes with other civilized countries'. It was further suggested that the over-zealous Pritchard should be removed from his post.⁶ The only territory that the Colonial Office thought worth annexing was the small island of Oparo (Rapa), which had the double advantage of 'having good harbour and good anchorage and few inhabitants'. Though the matter was referred to the Admiralty, Rapa was taken by the French in 1867.⁷

Once again the Foreign Office acted on the advice of the Colonial Office. Fiji was not annexed, and, after an inquiry into his conduct, Pritchard was dismissed. It should be observed that the Colonial Office had shown no disposition to evade the responsibility of making the decision, but when the question was again raised at the close of the decade, there was a definite attempt to place the onus on the Foreign Office and the Cabinet. On this occasion, Colonel Smythe had been appointed by the Colonial Secretary, and had received his instructions from him.⁸ In fact, as late as 2 July 1860, the Foreign Office

¹ C.O. 83/1: minute on F.O. to C.O., 31 August 1860. See draft dispatch Elliot to Denison, 4 September 1860.

² *Ibid.*: Smythe to Under-Secretary C.O., Levuka, 9 November 1860. Received C.O. 18 February 1861. Printed in *CRFI*, p. 28.

³ Minutes on above.

⁴ C.O. 83/1: Smythe to Newcastle, 1 May 1861. Received C.O. 17 August 1861. Printed in *CRFI*, pp. 28-33.

⁵ *Ibid.*: Smythe to Newcastle, 1 May 1861. Minute by Newcastle, dated 26 August 1861.

⁶ *Ibid.*: Rogers to Hammond, 7 September 1861. Printed in *CRFI*, p. 23. The suggestion that Pritchard be removed was omitted from the Parliamentary Paper.

⁷ *Ibid.*: C.O. to Admiralty, 9 December 1861. Printed in *CRFI*, p. 24.

⁸ For draft of instructions see C.O. 201/510: Newcastle to Lt.-Col. Smythe, R.A., 23 December 1859. Printed in *CRFI*, pp. 24-7.

complained that it had not been officially informed of the course taken by the Colonial Office.¹

The dismissal of Pritchard was a warning to his successors against precipitate action, but they were fully aware that the changing situation in Fiji made intervention imperative. From 1867 onwards there was a great influx of British settlers, chiefly from the Australian colonies.² They demanded a more stable and efficient form of government than the native chiefs could possibly organize unaided. On the other hand, the Fijians needed protection against white encroachment and exploitation. In 1868 the Acting Consul, J. B. Thurston (later Sir John), became greatly perturbed when Thakombau made a grant of 200,000 acres to the Polynesian Company of Melbourne in return for the settlement of the American claim. Thurston maintained that the ceded land belonged to an independent tribe which would never consent to its own dispossession.³ His successor, Consul E. March, advocated annexation by Britain, though, mindful of Pritchard's ignominious end, he strongly denied that he had encouraged the petitions of the chiefs and white settlers in 1870.⁴

Intervention was also necessary on behalf of the South Sea Islanders who were imported to work on the plantations since the Fijians were most unwilling to do so. The numbers employed rose rapidly and on some days there were two or three boats in harbour with labourers on board.⁵ It was beyond doubt that many of these had been kidnapped, and though the planters indignantly repudiated 'malicious, false and party reports' that they encouraged the notorious labour traffic by employing the victims on their plantations, there was substance in the charges against them.⁶ March complained that his attempts to eliminate abuses were deeply resented by the planters, shipmasters and others concerned in the importation.⁷

¹ C.O. 83/1: F.O. to C.O., 2 July 1860. Printed in *CRFI*, p. 15.

² Derrick, *op. cit.*, p. 184. In 1867 there were 831 foreign settlers, in 1868, 1,288, and by 1870 over 2,000. Some reasons for the great influx of immigrants were the depression in the Australian colonies, the spur to cotton cultivation by the American Civil War, and the discovery of gold in various parts of Fiji.

³ C.O. Confidential Print, Australian no. 33. Memo. by W. Dealtry on the proposed annexation of the Fiji Islands, 3 May 1873, in which the history of the question is given.

⁴ F.O. 58/118: March to Clarendon, no. 7, 31 March 1870 (transmitting memorials from chiefs and settlers).

⁵ *Ibid.*: March to Granville, Separate, 27 October 1870.

⁶ Derrick, *op. cit.*, p. 191.

⁷ F.O. 58/118: March to Granville, Separate, 27 October 1870. The Commissioners Goodenough and Layard, however, considered that on the whole the planters treated their labourers well. See *Report on the Cession of the Fiji Islands*. [Cmd. 1011], p. 6 and p. 10. H.C. (1874). XLV, 323.

Thus, in February 1869, only two months after Gladstone had formed his first Liberal Government, the Foreign Office once more drew the attention of the Colonial Office to the situation in Fiji.¹ Despite the tortuous wording of the Foreign Office dispatch an inclination towards annexation is discernible. The Colonial Secretary was asked whether it would be advisable to ' . . . countenance the erroneous notions prevailing in regard to the Position in which this Country stands towards the Islands . . . '

Sir Frederic Rogers opposed the annexation of Fiji, for he doubted the possibility of preventing the ultimate secession of the colonies,² and it seemed to him that the burden of defence was already too heavy to admit of fresh additions of territory.³ He was, moreover, firmly convinced that white colonization brought disaster to the native inhabitants, and the Maori war in New Zealand had drawn from him some notoriously scathing dispatches.⁴ His high office, his long experience and great ability naturally gave his views considerable weight.

There was a close accord between Rogers, Gladstone and Granville. Gladstone, a schoolfellow of Rogers at Eton, and fellow-student at Oxford, had offered him his first appointment in the Colonial Office in 1846.⁵ Granville, though an able parliamentary leader and possessed of political acumen, was a very easy-going departmental minister.⁶ He made very few corrections of the dispatches drafted by Rogers, who was well-pleased at Granville's confidence in him.⁷ So cordial was their relationship, in fact, that when Rogers retired from the Colonial Office, Granville offered him the position of Under-Secretary for Foreign Affairs.⁸

Rogers and Granville agreed that the Foreign Office should again be told that it would be inadvisable to annex the Fiji Islands. The Colonial Office merely suggested that the British Consul should be authorized to form a voluntary organization of the British settlers for the maintenance of order among themselves. This advice was perhaps not unexpected, but the Foreign Office must have been somewhat startled by the statement that these opinions were only expressed because they

¹ C.O. 201/554 : F.O. to C.O., 2 February 1869.

² G. E. Marindin, *The Letters of Frederic, Lord Blackford*, p. 299.

³ *Ibid.*, p. 365 : Rogers to Sir Henry Taylor, 9 December 1875.

⁴ *Ibid.*, pp. 297-8.

⁵ *Ibid.*, p. 130, and see letters of Rogers to Gladstone in the Gladstone Papers.

⁶ Comments by Kimberley in his Journal.

⁷ Marindin, p. 275 : Rogers to Miss S. Rogers, 20 December 1868.

⁸ *Ibid.*, p. 295.

had been solicited by that department. Fiji, it was maintained, was a foreign country and not the special concern of the Colonial Office.¹

This clear intimation of indifference was ignored when the Foreign Office again, at the close of the year, asked the Colonial Office to reconsider the question of annexation in view of the possible establishment of a protectorate by the United States Government.² The Colonial Office was, however, not at all upset at this prospect. Rogers considered that it would be folly to annex territory merely to keep out other Powers. 'Is the fear of the United States to make us entangle ourselves with Fiji?' he asked.³ Granville directed a reply to the Foreign Office asserting that annexation would be inexpedient, even if there were the possibility of an occupation by the United States.⁴

A few months earlier, the Colonial Office had received a dispatch from Sir George Bowen, the governor of New Zealand, declaring that, if the British Government intervened, 'Fiji would soon become a second New Zealand in point of trouble and expenditure'.⁵ As another Maori war was dragging to its close in New Zealand, the governor's warning confirmed the officials in their attitude of opposition.

In May and June 1870 the Colonial Office was, in fact, wondering how to end the recurrent agitation of the question and considering the feasibility of making a public statement that Britain had no intention of annexing the Fiji Islands. W. Monsell (later Lord Emly), the Parliamentary Under-Secretary, said that he could easily arrange to have a question asked in the Commons, which would afford an opportunity of making some such reply.⁶ R. G. W. Herbert, who had only recently entered the Office as Assistant Under-Secretary,⁷ went even further and suggested that the North German Confederation be invited to annex Fiji. If that State refused, Belgium might be prepared to undertake the difficult task. He argued that as long as Fiji remained without a stable, civilized government, Britain would be held responsible for

¹ C.O. 201/554: C.O. to F.O., 26 February 1869.

² *Ibid.*: F.O. to C.O., 31 December 1869.

³ Minute on above.

⁴ C.O. 201/554: C.O. to F.O., 4 February 1870.

⁵ C.O. 209/211: Bowen to Granville, no. 57 of 20 May 1869. Received at the C.O. 9 August 1869.

⁶ C.O. 201/562. See minute on a private letter, filed as 6210 Australia, which was sent to the C.O. for information by the brother of Mr. Fison of Fiji. The letter was dated 27 August 1869, and referred to the troubled state of Fiji.

⁷ See below, p. 96.

disorders and bloodshed occurring there. The only matter for concern was that the country taking possession should not be in a position to challenge British naval supremacy in the Pacific.¹

There was general agreement that a German occupation would be welcome, but Granville realized that it would be impolitic for Britain to take the initiative, and he decided that the Foreign Office should simply be informed that there was no objection to a foreign occupation of Fiji.² At this juncture the death of Lord Clarendon resulted in the promotion of Granville to the Secretaryship for Foreign Affairs, while Lord Kimberley succeeded him at the Colonial Office. With Granville in Clarendon's place, the Foreign Office no longer tried to persuade the Colonial Office to reconsider the question of annexation. There is very little indeed about Fiji in the private correspondence between Gladstone and Granville, and it will be seen³ that Kimberley, when he advocated annexation, had to contend with the opposition not only of the Prime Minister but also of the Foreign Secretary.

When Consul March reported that Bismarck had courteously declined a request of the German settlers for a Prussian protectorate over Fiji, and that the United States Consul expected a similar reply from his Government,⁴ it became quite plain that no foreign power was anxious to annex a territory which Britain herself found so unattractive. At this stage the interest of the Australian colonies in Fiji suggested an alternative solution—namely, the assumption of full responsibility by a self-governing colony. Yet even this mode of annexation was not actively encouraged. When G. F. Verdon (later Sir George), the Agent-General of Victoria,⁵ asked Rogers whether the Imperial Government would permit that colony to annex Fiji, he received an unenthusiastic reply, and the governor of Victoria was informed that any proposal made would be respectfully considered, but that there was a strong feeling in Britain against territorial annexation.⁶

Shortly after, Verdon informed the Colonial Office that if

¹ C.O. 201/562. See minute on private letter, filed as 6210 Australia.

² *Ibid.*

³ See below, p. 98 and pp. 102-3.

⁴ F.O. 58/118: March to Clarendon, no. 4, 31 March 1870. Received 14 July 1870.

⁵ Verdon was *not* a member of the Colonial Office as stated by Brookes, p. 367. See *C.O. List*, 1872, p. 332, for an account of his political career in Victoria. He was Treasurer of the Colony from 1860 to 1861 and 1863 to 1868. The fact that he was the Agent-General of the Colony of Victoria gave his proposal considerable importance. Ward (see p. 201) has repeated this mistake of Brookes.

⁶ C.O. 309/93: Kimberley to Canterbury, Confidential, 30 July 1870.

the Australian colonies were allowed to administer Fiji as a joint protectorate, the way would be paved for their federation.¹ Verdon was well thought of in the Colonial Office² and his proposal seriously considered, though it is not clear on whose authority it was made. Rogers appears to have been excited by the magic word 'federation'. Early in 1870, when relations between the Imperial and Victorian Governments were rather strained, he commented pessimistically that he had hoped that Australian federation could be achieved before the colonies broke away from the empire, but it seemed that Victoria was about to secede.³

The possibility of taking a step towards federation therefore interested him considerably. In a lengthy, rambling minute,⁴ which clearly shows his state of confusion, he began to consider various modes of procedure in regard to Fiji. Professor Knaplund has stated that 'Sir Frederic Rogers thought the finger of destiny pointed to the occupation of the Fiji Islands by some European Power, in which case Britain ought to be the one so to act,'⁵ but a careful reading of the minute on which this statement is based makes it plain that Rogers was by no means certain that a British annexation would be the wisest course. As he contemplated the prospect of Fiji as a Crown Colony, he was once again haunted by the old fears 'of war—destruction of natives, and public expense'. He therefore concluded by suggesting that the Foreign Office should be asked to consider how to prevent the islands from falling into the hands of a foreign power. The Colonial Office, apparently, did not know what to advise.

Verdon's proposal was probably not authorized by his Government, who merely asked that, in accordance with the Resolution of the Inter-Colonial Conference,⁶ Her Majesty's Government should consider the possibility of annexing Fiji or establishing a protectorate. Subsequently it was learnt from the governor of New South Wales that the intense rivalry between that colony and Victoria made any move towards federation impracticable.⁷ It is probable, as Brookes has

¹ C.O. 309/94: Minute on dispatch, Canterbury to Kimberley, no. 132,

12 August 1870. Received C.O. 3 October 1870.

² Gladstone Papers, lxxxii (44167): Granville to Gladstone, original, 30 June 1870.

³ C.O. 309/91: Minute on Canterbury to Granville, no. 212, 30 December 1869. Received 21 February 1870.

⁴ C.O. 309/94: Minute on Canterbury to Kimberley, no. 132, 12 August 1870. Received at C.O. 3 October 1870.

⁵ P. Knaplund, *Gladstone and Britain's Imperial Policy*, p. 136.

⁶ C.O. 309/94: Canterbury to Kimberley, no. 132, 12 August 1870.

⁷ F.O. 58/129: Copy of private letter from Belmore to Kimberley, 1 December 1870.

suggested, that this contributed to the refusal of the British Government to annex Fiji.¹ In March 1871 a dispatch was sent to Canterbury, governor of Victoria, informing him of this decision, but stating that Her Majesty's Government was considering a measure to increase the magisterial powers of the British Consul.²

Nevertheless the idea had taken root that New South Wales or possibly Victoria could become responsible for Fiji. In June 1871, Robert Lowe, the Chancellor of the Exchequer, wrote privately to Granville that he would prefer such a course.³ A few weeks later, the Treasury inquired formally of the Colonial Office whether there was any prospect of annexation by the Australian colonies.⁴ The Agent-General for New South Wales, C. Cowper (later Sir Charles Cowper),⁵ assured the Colonial Office that New South Wales would be willing to administer Fiji.

Within the Colonial Office there was a general approval of such a solution. Herbert, who had succeeded Rogers as the Permanent Under-Secretary,⁶ was on the whole opposed to the annexation of any Pacific Islands with the exception of New Guinea, which he believed to be more important to the Australian colonies than Fiji.⁷ He advanced all the arguments of his predecessor as to expense, and to the end he would have made this the determining factor.⁸ The moral obligation to suppress the labour traffic did not appear to concern him very deeply. He contended that it was hopeless to try to stop 'blackbirding' by annexing Fiji, for the ruffians engaged in the traffic would simply move to another island group.⁹ At this particular juncture, when it seemed that New South Wales would shoulder the burden, he was in favour of that scheme. He opposed the recognition of Thakombau's government¹⁰ as an obstacle to annexation by New South Wales. In fact he

¹ Brookes, *op. cit.*, p. 367.

² C.O. 309/94: Kimberley to Canterbury, no. 17, 16 March 1871.

³ P.R.O., G.D. 29/66: Lowe to Granville, original, 15 June 1871.

⁴ C.O. 201/567: Treasury to C.O. 11 July 1871.

⁵ It should be noted that Cowper had played a prominent part in the political life of New South Wales and had several times served as premier before accepting the office of Agent-General (*C.O. List.*, 1875, pp. 284-5).

⁶ He entered the Colonial Office in February 1870 as Assistant Under-Secretary and was appointed Under-Secretary of State on 21 May 1871 (*Dictionary of National Biography*, 2nd Supplement, i. 253).

⁷ C.O. 234/34: Labilliere to Carnarvon, 26 March 1874. Minute dated 5 April 1874.

⁸ See below, pp. 101 and 106.

⁹ Minute 8 May 1873 on F.O. to C.O., 5 May 1873 in C.O. 83/4.

¹⁰ When it was realized that the appeals to Britain, Germany and the United States had fallen on deaf ears, an attempt was made by a group of settlers to organize an efficient local government in the name of Thakombau.

believed that it would be sufficient if the white settlers issued an invitation to New South Wales. The rights of Thakombau and the other native chiefs could be completely disregarded 'on account of the savage inhabitants and their chiefs having no definable or assignable rights and powers'. Kimberley, however, insisted that Thakombau's assent would also be necessary.¹

The Assistant Under-Secretary, H. T. Holland (later Viscount Knutsford), entered the Office as legal adviser, and even after his promotion² preferred to concern himself with legal questions.³ Since he never pressed his views he does not appear to have been at all influential in shaping policy.⁴ It is when one notes the self-assurance of his successor, W. R. Malcolm, and reads his verbal duels with Herbert on the subject of annexing New Guinea,⁵ that one fully realizes the passivity of Holland.

Knatchbull-Hugessen, the Parliamentary Under-Secretary, rebutted the arguments of Herbert and consistently maintained that there could be no other solution than the annexation of Fiji. From the time he entered the Colonial Office in January 1871 he never ceased to speak with scorn of 'the surpassing love of Economy which rules English statesmen nowadays and . . . the dread of incurring responsibility'.⁶ His imperialistic notions did not commend him to Gladstone, who apparently thought of removing him.⁷ It is, however, clear from Kimberley's letters to Gladstone that the former came to accept Hugessen's views concerning Fiji.⁸

Kimberley was a most able and conscientious departmental minister, and richly deserved Morley's praise.⁹ Stung by a

¹ C.O. 201/567. Minute dated 5 August 1871, on F.O. to C.O., Confidential, 31 July 1871. A circular dispatch of 3 November 1871 instructed the Australian governors to treat Thakombau's Government as a *de facto* authority.

² Holland entered the C.O. as Legal Adviser, 8 January 1867; was promoted Assistant Under-Secretary March 1870; and resigned 3 August 1874.

³ C.O. 209/232: Minute dated 14 May 1874 on Ferguson to Carnarvon, no. 15 of 11 March 1874. He was sending the dispatch on to Herbert 'as it is semi-political, rather than legal'.

⁴ See opinion of Rogers, quoted by Marindin, *op. cit.*, p. 264, and S. H. Holland, *In Black and White*, p. 210.

⁵ See minutes, C.O. 201/579: Robinson to Carnarvon, no. 52 of 3 June 1875, and C.O. 201/580, Admiralty to C.O., 22 September 1875.

⁶ Minute on Stephen to Kimberley, no. 24 of 19 April 1872, in C.O. 201/569.

⁷ P.R.O., G.D. 29/62: Gladstone to Granville, original, 21 October 1873. His preference was for Granville's brother, Leveson, as Parliamentary Under-Secretary for the Colonies: 'So undoubtedly he would be a wiser Under-Secretary for the Colonies—but then he would not with his views be able to talk the Bunkum in which, on that subject, the House too much delights.'

⁸ See below, pp. 98 and 101-2.

⁹ J. Morley, *Recollections*, ii. 247.

newspaper comment that his main talent was for getting up Blue Books, he declared, 'I have a heart for the greatness of my country, and I hope a cool head as well.'¹ Though he shared the prevailing pessimism about maintaining the empire intact, he disapproved of the separatism of Gladstone, Granville, Cardwell and Lowe.² He opposed extensive additions of territory³ but he urged Gladstone to assent to the annexation of Fiji,⁴ and Professor Knaplund gives a wrong impression in suggesting that Kimberley was opposed to annexation and turned the whole matter over to Gladstone.⁵ It was obviously impossible for him to have acted without the support of the Prime Minister and the consent of the Cabinet.

Encouraged, therefore, by Treasury support and Cowper's information, as well as a general unanimity in the Colonial Office in favour of annexation by New South Wales, Kimberley approached Gladstone and asked his approval of the scheme.⁶ 'At present we neither allow the English settlers to establish a government for themselves, nor provide a government for them. This seems to me to be quite unreasonable.' He advocated such a course despite the objections of Granville that the New South Wales Government might ill-treat the natives.

Gladstone did not think that 'the risk of maltreatment to the natives' was 'an unsurmountable objection', but he exhorted Kimberley to move cautiously: 'I hope nothing will be done which will lead us into responsibilities *unawares*—as in New Zealand—and in Abyssinia.'⁷ At a meeting of the Cabinet it was decided not to take the initiative but to wait for a proposal from New South Wales,⁸ and a dispatch of 10 August 1871 to Governor Belmore⁹ merely informed him that the Hawaiian protectorate over Fiji,¹⁰ which he had advocated, was regarded as impracticable.

At that very time (August 1871) the governor of New South

¹ Kimberley Papers: Kimberley to R. Currie, 23 July 1870.

² Kimberley Journal.

³ C.O. 209/230: Minute dated 5 October 1873 on Ferguson to Kimberley, no. 65, 1 August 1873.

⁴ See below.

⁵ Knaplund, *op. cit.*, p. 137.

⁶ Gladstone Papers, cxxxix: Kimberley to Gladstone, original, 26 July 1871.

⁷ Original in Kimberley Papers, 27 July 1871. Copy in Gladstone Papers, cdlv.

⁸ Gladstone Papers, 44639: Cabinet Minute, 29 July 1871: 'Fiji Islands. Favourable to incorporation with N.S.W. but wait for colonial initiative.'

⁹ C.O. 201/563: Kimberley to Belmore, 10 August 1871.

¹⁰ This suggestion was very curious in view of the instability of the Hawaiian Government. Brookes does not refer to this proposal by the Hawaiian Consul-General.

Wales had transmitted a memorandum from the premier, Sir James Martin, expressing regret at the decision of the British Government not to annex Fiji, and stating very clearly that the colony could not shoulder the burden of administering Fiji.¹ Professor Ward has commented on the 'extraordinary' action of Kimberley in replying to this dispatch with a formal invitation to New South Wales to annex Fiji, and has concluded that Kimberley was guilty of duplicity.² The explanation is, however, to be found in the advice given to the Colonial Office by Cowper, the Agent-General of New South Wales.³ It was his opinion that 'if a full statement of the readiness of this Government to facilitate the annexation of Fiji to New South Wales or another Colony were laid before the Parliament and so made public there would be a strong public opinion in favour of that step . . .' Herbert stressed the need for acting swiftly, and, when the matter was again referred to the Cabinet, it was decided to send an open invitation to New South Wales to annex Fiji.⁴ Cowper proved wrong, however, and the Colonial Government adhered to its former decision.⁵

The objections of the New South Wales Government to the recognition of Thakombau's Government were impatiently brushed aside by Kimberley: 'These wretched cannibals and foolish settlers are first to get civilized and then, but not till then, they may begin to enforce order according to law . . .'⁶ However, opinions expressed in the House of Commons could not be so lightly disregarded, and the debate on Alderman McArthur's motion that a British protectorate should be declared over Fiji disclosed that there was a growing feeling in

¹ C.O. 201/564: Belmore to Kimberley, no. 128 of 9 August 1871. Received C.O. 9 October 1871.

² J. M. Ward, *British Policy in the South Pacific, 1786-1893*, pp. 201-2: ' . . . a mere attempt to fob off New South Wales objections to British inactivity in Fiji and to the British recognition of the new government established in Fiji in June 1871'.

³ C.O. 201/564: Minute by Herbert on Belmore to Kimberley, no. 128, 9 August 1871.

⁴ Gladstone Papers, 44639: Cabinet of 27 October 1871: 'Feejee Islands. Tell N.S. Wales if they like to frame a plan for annexing, we will entertain it; with proper native control.' At another Cabinet meeting on 31 October the draft dispatch was approved.

⁵ C.O. 201/569: Acting Governor Sir Alfred Stephen to Kimberley, no. 24, 19 April 1872. Received at the C.O. 20 June 1872.

⁶ C.O. 201/563: Belmore to Kimberley, no. 45, 6 April 1871. Received at C.O. 17 June 1871. Sir James Martin had objected in his dispatch to the Charter granted to European residents to organize a municipal government at Levuka. Kimberley's minute on this dispatch was dated 27 June 1871. See also C.O. 201/569: Belmore to Kimberley, no. 5, 24 January 1872. Received at C.O. 23 March 1872, for objections of New South Wales to recognition of the Government organized in June 1871 for all Fiji.

favour of annexation.¹ McArthur quoted with approval Disraeli's speech at the Crystal Palace on the previous night, in which he had referred to the importance 'of reconstructing as much as possible our Colonial Empire, and of responding to those distant sympathies which may become the source of incalculable strength and happiness to this land'.

Knatchbull-Hugessen, who rose to defend the Colonial Office,² was in a difficult position. Though he himself favoured annexation he had to defend the Government's refusal to annex. He asserted that he found it discomfoting to contemplate wholesale annexation and begged the critics of the Government to remember the expense of administering a colony. 'When speaking of philanthropy and the growth of cotton the British taxpayer must not be entirely forgotten.' With more sincerity he went on to express his belief that it would be a sign of retrogression 'if English statesmen . . . thinking only of economy, should ever lay down as an axiom of policy that Great Britain should under no circumstances acquire additional territory . . .'

Gladstone³ denied sarcastically that the Government 'had registered a vow in Heaven that nothing should induce it to add to the territory . . . of this country'. He maintained that there was no formal request from Fiji before the Government and therefore it would be impolitic to make any such promise as was sought. As he implied that a petition from Fiji would be carefully considered, the motion was defeated.

Towards the close of 1872, the Colonial Office received copies of the Acts of Thakombau's Government and was very favourably impressed, particularly by the evidence of a sincere determination to control the labour traffic. 'Could we pretend to say that a third-class Governor, with the usual expensive staff of incompetent colonial officials, would have done as well as Mr. Thurston's administration?', Herbert asked. If only the Fijian Government showed itself to be stable and prudent, there would be no need to delay in according it formal recognition.⁴ Kimberley wrote privately to Granville in this sense.⁵

But such a solution, though devoutly wished for, was impossible. In Fiji all was not well. Thakombau's title to be paramount chief had never been unchallenged. There were several factions opposed to the Government, which was further

¹ Hansard, 3rd Series, ccxii (1872). Debate on 25 June 1872.

² *Ibid.*, 205-II.

³ *Ibid.*, 215-17.

⁴ C.O. 83/2: Thurston to Hugessen, Levuka, 24 June 1872.

⁵ P.R.O., G.D. 29/55: Original. Kimberley to Granville, 15 October 1872.

weakened by the hostility of Consul March.¹ The instability of the government led to a renewed appeal to Britain. On 23 February 1873, a telegram was received from Sir Hercules Robinson, governor of New South Wales, inquiring on behalf of Thurston whether the British Government would reconsider its attitude to the annexation of Fiji.²

Hugessen urged the acceptance of the offer. He asserted that the House of Commons leaned to annexation, and if the Government declined the petition a hostile motion would probably be carried against it.³ Herbert was dubious.⁴ There would be many difficult problems to settle and it would be advisable to delay considering the matter until the explanatory dispatch could be received. He thought it particularly important to ascertain the economic position of the islands. A planter from Fiji had told him that Fijian cotton was not strong, although fine in staple and good in appearance. It would be very serious if good cotton could not be produced, for the natives would work on cotton but not on sugar plantations, and imported labour for the latter would multiply the difficulties of government.⁵ There was force in this contention, but one does not find⁶ that either Herbert or anyone else in the Colonial Office seriously opposed the importation of Indian labourers into Natal when it was resumed in 1874.⁷ Herbert's main concern was the probable Fijian deficit, and he frankly advocated that for this reason the responsibility of government should be placed upon an Australian colony.

Kimberley merely recorded on the minute paper that it was a question for the Cabinet to decide, but he wrote privately to Gladstone to urge him to assent.⁸ He argued that although Britain had already assumed the burden of repressing kid-

¹ F.O. 58/120: March to Granville, no. 8 of 7 July 1871 and *ibid.*, minute on no. 32 of 30 December 1871, for Granville's statement that a naval officer had informed him 'that Mr. March had so ludicrously high an opinion of the importance of his position that he has made everybody hostile to him'.

² C.O. 201/573: Robinson to Kimberley, Telegram, 20 February 1873. Received C.O. 23 February 1873.

³ *Ibid.*: minute dated 24 February 1873.

⁴ *Ibid.*: minute dated 24 February 1873.

⁵ Today the principal exports are sugar, gold and copra, the first being by far the most valuable (*C.O. List*, 1948, p. 98). Indian labourers were imported for the sugar plantations. The census of 3 October 1946 revealed that the Indians numbered 120,414, whereas there were only 118,083 native Fijians. The numerical inferiority of the other groups may be gathered from the fact that the total population was 259,638 (*C.O. List*, 1948, p. 95).

⁶ From a study of minutes on Natal dispatches.

⁷ E. A. Walker, *A History of South Africa*, 2nd ed., p. 363; and the *Cambridge History of the British Empire*, viii. 549-50.

⁸ Kimberley to Gladstone, 24 February 1873: original in Gladstone Papers and copy in Kimberley Papers.

napping in the South Sea Islands,¹ this could never be effective until the importation of labourers into Fiji was stringently controlled, for there lay 'the root of the evil'.

Gladstone made no secret of his opposition. He was worn out after four years in office,² and the defeat of the Government on the Irish University Bill was by no means improbable.³ He therefore refused 'to be a party to any arrangement for adding Fiji and all that lies beyond it to the cares of this overdone and overburdened Government and Empire'.⁴ When Kimberley rejoined rather tartly: 'I take a more sanguine view I confess of the power and energy of this country than you do,'⁵ Gladstone's reply was disarming: 'It is quite right you should be more sanguine than I, for I am old and begin to feel it.'⁶

Yet weariness did not make him more yielding. Though Kimberley had asked⁷ that the matter should be discussed in Cabinet before a reply was sent to Thurston, there is no record of this in Gladstone's carefully kept Cabinet minutes. Nor would Granville support Kimberley. When asked for his approval of a telegram requesting Thurston to send all necessary information, Granville was lukewarm: 'I have no objection, if you think there is so much hurry that we need have recourse to the telegraph.'⁸ On the back page of this note, Kimberley recorded that, after further consultations with Gladstone and Granville, it was decided not to send any telegram but to wait for the arrival of the letter from Fiji.⁹

This was received on 22 April 1873,¹⁰ and there could be no further excuse for delaying to take action. Kimberley wrote to Gladstone proposing that a commissioner should be sent to inquire into the situation in Fiji.¹¹ Gladstone was still reluctant to act. 'Individually I do not see that there are before us facts which ought to make us move at all,' but he realized

¹ The Kidnapping Act, 1872.

² Kimberley Journal: entry dated 13 March 1873. 'Gladstone seems utterly weary of office, and few of us I think will be sorry for rest.'

³ *Ibid.*: entry dated 1 January 1873.

⁴ Kimberley Papers: Gladstone to Kimberley, original, 26 February 1873, and copy in Gladstone Papers, cdlvii. The date is definitely 1873 and not 1871 as stated by Knaplund, *op. cit.*, p. 137. Also note Ward's error in citing Morrell, instead of Knaplund, for this date (Ward, *op. cit.*, p. 240).

⁵ Gladstone Papers: Kimberley to Gladstone, original, 26 February 1873.

⁶ Kimberley Papers: Gladstone to Kimberley, 26 February 1873. Copy in Gladstone Papers.

⁷ Gladstone Papers: Kimberley to Gladstone, original, 25 February 1873.

⁸ Kimberley Papers: Granville to Kimberley, 26 February 1873.

⁹ *Ibid.*: note by Kimberley, dated 27 February 1873.

¹⁰ C.O. 201/573: Robinson to Kimberley, no. 10, 20 February 1873, enclosing letter from Thurston.

¹¹ Gladstone Papers, cxl: Kimberley to Gladstone, original, 30 April 1873.

that it would be impolitic to refuse to consider the offer of cession since '... the world without may be much more disposed to move on in this matter than I am'.¹

Gladstone was appalled at the prospect of another Crown Colony, and suggested that New South Wales might be prepared to reconsider its former refusal.² A little later he declared that he was 'rather struck by Consul March's first paper',³ but this memorandum,⁴ proposing very wide magisterial powers for the Consul, was dismissed by Kimberley as 'a clumsy kind of protectorate over British subjects',⁵ and Hugessen was equally emphatic. 'It must be annexation or refusal.'⁶ At a meeting of the Cabinet it was decided that E. L. Layard, the newly-appointed Consul, and Commodore J. Goodenough should be commissioned to investigate the situation in Fiji. It was, however, agreed that the most desirable solution would be the formal recognition of the Fijian Government.⁷

Consequently, when McArthur again raised the question of annexation in the House of Commons, Gladstone was able to parry opposition criticism by announcing the appointment of the commission, but he made no secret of the fact that he was averse to annexation and preferred recognition of the Fijian Government because it 'had sprung out of the soil'.⁸ The concluding paragraph of the Instructions to the Commissioners⁹ stated emphatically that the annexation of Fiji was only to be regarded as a last resort. Even so, this declaration had been altered by Kimberley to make it 'somewhat weaker' than Gladstone had desired.¹⁰

Professor Ward has criticized the appointment of a commission empowered only to inquire and forbidden to negotiate a cession.¹¹ The explanation lies partly in Gladstone's avowed

¹ Kimberley Papers: Gladstone to Kimberley, original, 8 May 1873. Copy in Gladstone Papers, cdlvii.

² Kimberley Papers: Gladstone to Kimberley, original, 9 May 1873. Copy in Gladstone Papers, cdlvii.

³ *Ibid.*, original, 29 May 1873. Copy in Gladstone Papers, cdlvii.

⁴ C.O. Confidential Print, Australian no. 35. Memorandum written by March on 7 May 1873.

⁵ C.O. 83/4: minute on F.O. to C.O., 13 May 1873.

⁶ *Ibid.*: minute dated 15 May 1873.

⁷ Gladstone Papers, 44641: Cabinet meeting, 7 June 1873. 'Recognition to stand No. 1.'

⁸ Hansard, 3rd Series, ccxvi (1873), 945-53. Debate on 13 June 1873.

⁹ *Letter Addressed to Goodenough and Layard*. [Cmd. 983] H.C. (1874). XLV, 297. The Instructions, though finally dated 9 August 1873, were based on a memorandum drafted by Kimberley as early as 10 June. (Gladstone Papers, cxi: Kimberley to Gladstone, 10 June 1873.)

¹⁰ Gladstone Papers, cxi: Kimberley to Gladstone, 30 July 1873.

¹¹ Ward, *op. cit.*, p. 249. Professor Ward has also criticized the appointment of Goodenough and Layard on the ground that they were not competent

reluctance to annex, and partly in the genuine desire felt by Kimberley for fuller information concerning the American debt, the claims of the Polynesian Company, the system of land tenure and the most suitable form of government. It is true that March in a second memorandum¹ had strongly urged annexation, but his optimistic account of the financial position was altogether misleading. He stated that 'with imposts so light as scarcely to be felt by the payers' Fiji could easily support its own government. Yet more than a year after the annexation the Colonial Office found the governor's estimates 'rather depressing' since, with an ordinary expenditure of roughly £44,000 a year against a revenue of about £16,000, there was a deficit of £28,000.²

Professor Ward states³ that the Colonial Office already knew from Robinson, the governor of New South Wales, that the Fijian Government had broken down, but it is plain that Robinson had acquiesced in the decision not to annex and had appeared to consider that the local government could be satisfactorily reorganized. He had recommended that if it proved strong enough to enforce its authority, British subjects should be made amenable to the jurisdiction of the Fijian courts. Otherwise the British Government should obtain exclusive jurisdiction over British subjects as in China and Japan.⁴ As late as 11 April 1874 Robinson wrote privately to Herbert that the only choice lay between annexation and consular control over Europeans, and he did not minimize the difficulty of the first course. Carnarvon made a private note of this letter: 'He foresees great difficulty—debt—land question—chiefs—natives—Revenue will not meet $\frac{1}{2}$ expenditure at first: but ultimately, if liberal policy of commercial freedom be adopted.'⁵

It would be a great mistake to imagine that the Conservative Government, which took office in February 1874, was

for the task, but the latter certainly had more to commend him than the fact that he was 'a marine biologist of some distinction' (pp. 249–50). At the time when he became Consul for Fiji, he had nearly twenty-seven years in the public service behind him (*F.O. List.*, 1874, pp. 128–9). When Sir George Grey returned to New Zealand in 1861 for a second term as Governor, Layard accompanied him as Private Secretary, and he had taken the opportunity, as he later told Kimberley, of making a special study of tribal land tenure (C.O. 83/4: F.O. to C.O., 11 July 1873. See minutes by Kimberley). Subsequently as Arbitrator to the tribunals, established at the Cape for the suppression of the slave trade, he had gained useful experience for serving on a commission of inquiry (*F.O. List.*, 1874).

¹ C.O. Confidential Print: Australian no. 36. Memo. dated 19 May 1873.

² C.O. 83/7: Sir A. Gordon to Carnarvon, no. 108 of 4 December 1875. See minutes by Malcolm, dated 22 February 1876.

³ Ward, *op. cit.*, p. 249.

⁴ C.O. 201/573: Robinson to Kimberley, Confidential, 27 January 1873.

⁵ P.R.O., G.D. 6/51: private memorandum by Carnarvon.

eager to annex Fiji.¹ Within the Colonial Office Herbert continued to oppose such a course on the grounds of expense, and Holland remained virtually neutral. Moreover, J. Lowther, Hugessen's successor as Parliamentary Under-Secretary, was not such a vehement advocate of annexation. The new Colonial Secretary, Lord Carnarvon, therefore proceeded with caution in this matter, which had first engaged his attention fifteen years before. He was much perturbed when he learned from the private letters of Commodore Goodenough to G. J. Goschen² that the Commissioner was not confining himself to inquiry, but was bent on immediate intervention and had contemplated the declaration of a protectorate.³ A telegram was at once sent, forbidding him to take any such action.⁴ Lord Derby, the Foreign Secretary, agreed entirely with Carnarvon.⁵

The impetuosity of the Commodore was not curbed by Consul Layard, who shared his conviction that the anarchy in Fiji could only be terminated by the establishment of British authority. He asserted that the Fijian Government was completely discredited. 'It is time that Great Britain put down with a strong hand the pride and vagaries of a few upstart and dishonest British subjects.'⁶ Thus, although the Thakombau Government had withdrawn its request for annexation,⁷ he and Goodenough attempted to obtain a renewal of the offer to cede Fiji.

These exertions did not commend the Commissioners to the Colonial Office, and Lowther, the Parliamentary Under-Secretary, commented with disapproval on 'the strong bias in favour of annexation displayed by the Commissioners'.⁸ On 20 March 1874 they at length procured an offer of cession, but, when the conditions were studied in the Colonial Office,⁹ it was observed that the Commissioners, in their eagerness, had

¹ As Derrick apparently does. See *op. cit.*, p. 246.

² Formerly First Lord of the Admiralty.

³ G.D. 6/44: Copies of letters from Goodenough to Goschen, dated 2 December 1873 and 27 December 1873.

⁴ C.C. 537/115: telegram from Carnarvon to Robinson for transmission to Goodenough, dated 23 February 1874; cp. Brookes, *op. cit.*, p. 388, where the date is given as 23 March 1874. It is therefore possible that the Commissioners received the telegram before March 20 (when the offer of cession was at last obtained) but ignored it.

⁵ G.D. 6/8: Derby to Carnarvon, original, 23 February 1874.

⁶ F.O. 58/142: Layard to Granville (*sic*), Political no. 1, 17 March 1874. Received F.O. 5 May 1874.

⁷ See Derrick, *op. cit.*, ch. xxi, pp. 237-41.

⁸ C.O. 83/5: minutes on Thurston to Secretary of State. Received at the C.O. 10 March 1874.

⁹ C.O. 83/5: Goodenough and Layard to Secretary of State, 20 March 1874. Received in the first week of May 1874.

consented to 'very bad and dangerous terms'.¹ 'The broad principle' laid down in Article 15, that 'the Fijian Chiefs and people, in changing their allegiance, retain all existing private rights, real and personal',² was considered inadmissible. Such a reservation would, as Herbert pointed out,³ concede to Her Majesty only 'the high privilege' of governing Fiji at the expense of the British taxpayer. He advised against annexation unless Fiji could pay its own way. Robinson's private letter of 11 April, arriving shortly after, removed all hope of such prosperity in the immediate future.⁴

Carnarvon did not, however, agree with Herbert. He was convinced, despite the advice of the Permanent Under-Secretary, that the probable Fijian deficit could not be the determining factor. Disraeli had given him permission to settle the matter according to his own discretion,⁵ and he weighed the arguments for and against annexation very carefully.⁶

The strongest reason for annexation was probably the anarchy in Fiji. It was invariably the first point noted by Carnarvon in his memoranda. The British Government had always been uneasily conscious of its moral responsibility for the welfare of Fiji, since the settlers were largely of British origin. For this reason, despite the recognition of Thakombau's Government as a *de facto* authority, British settlers in Fiji were warned that Her Majesty's Government retained the right to supervise their conduct.⁷ Action had, however, been limited to what a colonial editor in Victoria called 'cheap interference',⁸ and was therefore ineffectual. Now there was no longer any hope that a government 'sprung out of the soil'⁹ could command sufficient respect. Only the assumption of full responsibility by Britain could end factional strife and avert racial war.

On the one hand, the white settlers would welcome a stable government and security for their property and investments: on the other, the natives needed protection against the settlers

¹ G.D. 6/5: Carnarvon to G. Ward Hunt, copy, 5 November 1874.

² *Report on the Cession of the Fiji Islands*. [Cmd. 1011], p. 20. H.C. (1874). XLV, 323.

³ C.O. 83/5: Goodenough and Layard to Secretary of State, 20 March 1874. Minute by Herbert, dated 5 May 1874.

⁴ Robinson to Herbert, 11 April 1874. Extract made by Carnarvon, in G.D. 6/51. See above, p. 104.

⁵ Sir Arthur Hardinge, *The Fourth Earl of Carnarvon*, ii. 74.

⁶ See Memoranda in G.D. 6/51.

⁷ C.O. 201/571: Circular Dispatch to Governors of Australian Colonies, 14 August 1872.

⁸ C.O. 309/110: Bowen to Kimberley, Confidential, 9 September 1873.

⁹ Gladstone's description. See above, p. 103.

as a dominant minority.¹ Goodenough and Layard had, indeed, exonerated the planters from charges of ill-treating their labourers,² and they were certainly never guilty of the barbarities that warring tribes perpetrated in their internecine struggles.³ Cannibalism had not been completely stamped out at the time of the annexation.⁴ But the mere fact of white colonization threatened the natives with dispossession and exploitation. A strong government, if it were just, could restrain such a tendency. Moreover, Carnarvon shared the view⁵ expressed earlier by Kimberley⁶ that the establishment of British authority in Fiji would be a powerful blow struck at the kidnapping trade. As he contemplated the scene in Fiji, the Secretary of State had no doubt of the necessity for annexation. He summarized the situation neatly: 'English settlers—English capital—English crime—wanted an English Government.'⁷

The strategic position of the islands was always borne in mind by Carnarvon. Despite the Admiralty's warning in 1859,⁸ Britain was still without a single naval base in the Pacific Ocean between her North American and Australasian colonies. The possibility that the United States might acquire Pago-Pago harbour in Samoa had induced even Herbert to admit that '... it would no doubt be awkward if both Fiji and the Navigators passed into ownership which could prevent our steamers coaling'.⁹ Carnarvon was therefore prepared to annex 'some small island and harbour' in Fiji if the cession of the whole group could not be arranged.¹⁰

The financial aspect was undoubtedly discouraging, but the eagerness of the Australasian colonies was very important at this juncture. New Zealand offered to administer the territory,¹¹ and New South Wales, though refusing to assume

¹ See below, p. 108. In their Report, the Commissioners estimated that there was a total native population of 140,500 and a European population of 1,786 (Cmd. 1011, p. 70). The approximate area of lands held and leased by foreign residents was given as 854,956 acres of a total area of 4,738,350 acres—i.e. 18.04% (*ibid.*, p. 55).

² Cmd. 1011, p. 6 and p. 10.

³ See Derrick, *A History of Fiji*.

⁴ C.O. List, 1875, p. 55. Number of cannibals estimated at 20,000.

⁵ See Memoranda in G.D. 6/51.

⁶ See above, pp. 101-2.

⁷ See Memoranda in G.D. 6/51. (The memoranda referred to are not dated but were apparently written in June 1874.)

⁸ See above, p. 88.

⁹ C.O. 201/574: Robinson to Kimberley, Telegram, 14 October 1873. Minute by Herbert, 15 October 1873.

¹⁰ C.O. 537/115: Carnarvon to Robinson, Telegram, 25 August 1874. See also p. 108.

¹¹ C.O. 209/232: Fergusson to Carnarvon, no. 27, 13 April 1874. Received at C.O. 10 June 1874. Herbert (Minute of 11 June 1874) was tempted to

direct responsibility, was prepared to assist Britain in the administration of a Crown Colony or to make some financial contribution towards balancing the Fijian budget.¹ Carnarvon was encouraged to appeal to the Australasian colonies for a sum of £16,000.² He was subsequently mortified to discover his mistake, but his hope of this 'experiment in Imperial co-operation' had flickered on for several months after the annexation.³

The British taxpayer did not appear to dread new votes in the Estimates, and Carnarvon was well aware of the current of opinion.⁴ On 17 July he announced in the House of Lords that he would not be daunted by the 'magnitude of the task' confronting him,⁵ and that if an unconditional offer of cession could be obtained, it would be accepted. Gladstone's impassioned attack⁶ in the House of Commons did not shake his resolution, though Disraeli was sufficiently impressed to urge Carnarvon to proceed with caution.⁷

A telegram was sent to Robinson, instructing him to proceed at once to Fiji in order to persuade the chiefs to place their trust in Her Majesty's Government and to cede their country unconditionally. Failing this, he was to negotiate for the cession of a small island or for a grant of full consular authority over British subjects.⁸ The governor left Sydney on the evening of 12 September and reached Levuka on the 23rd. In the course of a frank conversation with Thakombau he won the confidence of the Chief, who at length conceded that the only hope for his people lay in British protection. 'Of one thing I am assured, that if we do not cede Fiji, the white stalkers on the beach, the cormorants, will open their maws and swallow us.'⁹ He therefore offered an unqualified sub-

advise acceptance. 'New Zealand might be able to govern Fiji better and more cheaply than this country could.' On second thoughts he preferred 'a strong Crown Colony Govt.'

¹ C.O. 537/115: Robinson to Carnarvon, Telegram, 21 July 1874. Received at the C.O. 22 July 1874.

² The colonies concerned were New South Wales, Victoria, Queensland and New Zealand.

³ C.O. Confidential Print, Australian no. 49, p. 81: circular dispatch to Governors of Victoria, New South Wales, Queensland and New Zealand, dated 9 July 1875, informing them that the Imperial Government had made financial provision for Fiji.

⁴ Hardinge, *op. cit.*, ii. 132: Lord Carnarvon to the Queen, 13 July 1874, giving reasons for annexation.

⁵ Hansard, 3rd Series, ccxxi. 182-7.

⁶ *Ibid.*, ccxxi. 1282-7.

⁷ Hardinge, *op. cit.*, ii. 74.

⁸ C.O. 537/115: Carnarvon to Robinson, Telegram, 10 August 1874. It had been drafted a month before. See G.D. 6/11: Carnarvon to Disraeli, 9 July 1874, asking approval of the draft.

⁹ C.O. Confidential Print, Australian no. 44, p. 7. See pp. 5-7 for notes of a conversation between Robinson and Thakombau on 25 September 1874.

mission to the queen, and the other chiefs followed suit. Consequently, on 10 October 1874, Fiji was proclaimed a British colony.¹

In England the news was received with enthusiasm, as Kimberley observed in a letter to Gladstone:

It is curious that John Bull is not cured of earth hunger by this time. I must say, however, I think it would have been very difficult to avoid taking Fiji. The worst is we shall have pressure for further annexations in the Pacific.²

Gladstone continued to deplore the annexation, but when his friend, Sir Arthur Gordon, made it plain that he was determined to accept Carnarvon's offer of the governorship of Fiji, he decided to abstain from any further public opposition.³ In a letter written after a visit to Hawarden, Gordon informed Carnarvon of his conversation with Gladstone:

He had, he said, intended again to draw attention to the subject, but he was not Leader of the Opposition . . . , and rather than do anything which might act prejudicially to me . . . he would in that case, not only not bring forward the topic but take care to be absent from the discussion, if it is brought forward by others.

One is tempted to speculate whether Gladstone would have consented to annexation had he remained in office. Even before the fall of his Government he had been compelled 'to move on in the matter' by a realization of opinion in 'the world without'.⁴ It seems likely that, as Prime Minister, he could not have ignored the trend of opinion. Political expediency might then have weighed as much as regard for an ambitious friend.

Though Gladstone had inveighed against the 'passion of eagerness for augmented responsibility'⁵ the Conservative Government had, in fact, only decided on annexation because it was unavoidable. There was no intention of embarking on a policy of wholesale annexation in the Pacific. When a deputation from the Royal Colonial Institute urged Carnarvon

Robinson shared Thakombau's views. 'I am sorry to say that all experience teaches us that when white men settle down in a place of this sort the natives are unable to protect themselves until some strong civilized Government is established' (p. 6). Derrick (p. 248) cites C. F. Gordon-Cumming, *At Home in Fiji* (Edinburgh, 1881), for a report of this conversation.

¹ F.O. 58/142: Layard to Derby, Political no. 10, 10 October 1874.

² Gladstone Papers, cxi: Kimberley to Gladstone, original, 4 November 1874.

³ G.D. 6/39: Gordon to Carnarvon, Private and Confidential, 1 November 1874.

⁴ See above, p. 103.

⁵ Hansard, 3rd Series, ccxxi. 1286.

to annex New Guinea, he answered that it was 'impossible to appropriate every territory and every island to keep out foreign Powers', and implied that the Australian colonies should assume the responsibility since they were especially interested in New Guinea.¹ In fact, Carnarvon would not even consider a petition from the small island of Rotumah to the north of Fiji. 'It will alarm people as a new annexation . . .'²

The decision to annex Fiji had only been taken after the most careful deliberation and, moreover, in disregard of the advice of the Permanent Under-Secretary, who had opposed such a course mainly on financial grounds. Kimberley and Carnarvon, however, showed a stronger sense of moral obligation and political expediency. They knew that British settlement had created a situation which made annexation imperative and were convinced that Parliament and the country would approve this step. Nevertheless, it is clear that Fiji was regarded as an exceptional case and that the annexation was not intended to signalize a new period of British expansion.

¹ C.O. 201/580 : reply attached to memorial from Royal Colonial Institute, 29 April 1875.

² C.O. 83/3 : minute by Carnarvon, dated 1 November 1874, on F.O. to C.O., 21 March 1873. (Kimberley had wished the matter to stand over till a decision was taken regarding Fiji.) Rotumah was annexed in 1880.

THE VYVYAN FAMILY OF TRELOWARREN

BY MISS M. COATE, M.A., F.S.A., F.R.Hist.S.

Read 15 October 1949

THE origin of the Vyvyan family is lost in legend. In Cornish the word 'vyvyan' means 'to flee' or escape, and the Vyvyans, in common with the Trevelyans, cherished the legend that a Vyvyan was the last governor of the lost land of the Lyonesse, from which he escaped on horseback as it sank beneath the waves. Thomas Tonkin in his edition of Sir Richard Carew's *Survey of Cornwall*¹ noted that 'the Vyvyans anciently bore argent, a lion rampant, gules, standing on the waves of the sea, proper (which waves have of late been left out), and still give for their crest, an horse, argent, on which they tell you the governor saved himself'.

The Vyvyans were first seated on the manor of Treviddren in the parish of St. Buryan, and it is only in recent years that they parted with this property. The earliest Vyvyan recorded in the Heralds' *Visitation of Cornwall* (1620)² was Sir Vyell Vyvyan, who married Margaret, daughter of Christopher earl of Kildare. Their daughter Joane married Sir Bartholomew Grenville, who held the Manor of Kilkhampton, in the reign of Edward II.³ Their grandson Richard appears in the register of John de Grandisson, bishop of Exeter; on 4 November 1328 Richard Vyvyan of Treviddren and his sons William and Hugh were excommunicated with other men of St. Buryan by the bishop in the chapel of the priory of St. Michael's Mount. They had assaulted in the churchyard Richard Beaupré, rector of St. Just in Penwith, whom the bishop had appointed to a canonry of St. Buryan.⁴ Richard Vyvyan died in 1331. His son William was among the penitents absolved by Bishop Grandisson at St. Buryan on 12 July 1336. The bishop preached a sermon in Latin from the text 'ye were as sheep going astray, but are now returned to the shepherd and bishop of your souls' (1 Peter ii. 25), which the rector of St. Just in Penwith translated into Cornish, and others into English and French.⁵

From the calendars of the Patent Rolls it appears that the

¹ Sir Richard Carew, *Survey of Cornwall*, ed. T. Tonkin (1811), p. 7, n.f.

² J. L. Vivian and H. H. Drake, *The Visitation of the County of Cornwall in the year 1620* (1874), p. 257.

³ R. Granville, *The History of the Granville Family* (1895), p. 49.

⁴ John de Grandisson, *Episcopal Register*, ed. F. C. Hingeston-Randolph (1891), i. 421.

⁵ *Ibid.*

Vyvyans were frequently lawless men. Richard Vyvyan was indicted on 27 October 1331 for carrying away merchandise adjudged to be wreck ;¹ in 1334 his sons William and Hugh were accused of assaulting John de Lanbrun in Helston ;² in 1389 Ralph and Thomas Vyvyan were pardoned for having slain John Trebuer at Mousehole ;³ and in 1398 Adam Vyvyan was pardoned for lying in wait and murdering John Nicol at Bodmin on Easter day.⁴

In the fifteenth century, the Vyvyans took a turn for the better with the marriage of John Vyvyan of Treviddren to Honora, daughter and heiress of Richard Ferrers of Trelowarren in the parish of St. Mawgan in Meneage in the hundred of Kirrier.⁵ Trelowarren is named in Domesday Book.

The Count had one manor which is called Trelweren, wherein is one hide of land. And it rendered geld T.R.E. for one virgate. Five teams can plough this. Turstin holds it of the count. Therefore Turstin has in demesne 1 virgate and 1 plough and the villeins 3 virgates. There are 3 villeins and 6 bordars and 5 serfs and 4 unbroken mares and 2 rounceys and 4 beasts and 6 swine and 30 sheep and 6 acres of woodland and of pasture 1 league in length and half a league in breadth. And it is worth 15s. and when the Count received it, it was worth 30s.⁶

Trelowarren was originally in the possession of the Cardinan family. Among the ancient undated deeds found at Trelowarren was one in which Robert de Cardinan granted to his son Hugh 'totam terram meam de Treleweret'. His granddaughter Isolda married Sir William Ferrers, and from that marriage was descended Richard Ferrers of Trelowarren, whose daughter and heiress Honora became the wife of John Vyvyan. Richard Ferrers had died before 31 March 1443, for in a deed of that date at Trelowarren, John and Honora granted to his widow Elizabeth a garden, a dovecot and certain messuages. Henceforth the Vyvyans were seated at Trelowarren, but retained Treviddren.

They took time to become law-abiding. In 1454 John Vyvyan and John Reskymer and others were reported to have wrecked a carrack of Genoa driven by storm on the coast of Cornwall.⁷ In 1472 John Vyvyan suffered in his turn from

¹ *Cal. Pat. Rolls, 1330-1334*, p. 207.

² *Ibid.*, p. 570.

³ *Cal. Pat. Rolls, 1389*, p. 27.

⁴ *Cal. Pat. Rolls, 1396-1399*, p. 417.

⁵ J. L. Vivian and H. H. Drake, *op. cit.*, p. 257.

⁶ 'The Cornwall Domesday', in the *Victoria County History of Cornwall*, ed., L. F. Salzmann and T. Taylor (1924), p. 75.

⁷ *Cal. Pat. Rolls, 1452-1461*, p. 169.

the prevailing lawlessness, for while on a pilgrimage to the chapel of St. James at Tregowris, with his wife and his nephew John Merther, he was attacked by the coroner Thomas Trethewy and he himself and his wife were wounded and his nephew slain. Vyvyan petitioned Parliament for redress, and Trethewy was ordered to pay 20 marks annually to Vyvyan and to keep the peace.¹

With Richard Vyvyan, son of John and Honora, the Vyvyans began to settle down. Richard married Florence, daughter and heiress of Richard Arundel of Trerice.² From 1477 he was on the commission of the peace and in 1492 and in 1504 sheriff of Cornwall. He accompanied John earl of Worcester to Ireland, and was described by Leland as 'a gallant courtier set forth by Somerset Lord Herbert'.³ He died in 1516.

His son Michael who succeeded him was a gentleman usher of the chamber, and received on 15 December 1504 the grant of the office of comptroller of the coinage of tin in Devon and Cornwall.⁴ In 1531 he was sheriff of Cornwall, and in 1544 he was appointed captain of St. Mawes Castle, then approaching completion.⁵ His eldest son, William, who served the earl of Derby, was drowned in the Thames in 1520,⁶ and when Michael died in 1561 he was succeeded by his second son John, who married Elizabeth, daughter of Thomas Tretherfe.⁷ Her grandmother Elizabeth was one of the four daughters and co-heiresses of Sir Hugh Courtenay of Boconnoc, knight of the shire for Cornwall 25 and 28 Henry VI.⁸ On the death without issue of Edward Courtenay, earl of Devon,⁹ in 1556, his lands passed to the descendants of the four co-heiresses of Sir Hugh Courtenay of Boconnoc; and so to the Vyvyan family, through the marriage of John Vyvyan and Elizabeth Tretherfe, came an eighth part of the barony of Okehampton.¹⁰ This explains the large number of documents relating to Courtenay estates in Devon at Trelowarren. They are too numerous to be listed here, but they comprise court rolls, audit accounts, surveys and rentals of the eighth part of the barony of Okehampton from the late sixteenth century.

¹ Vyvyan MSS., Trelowarren; A. L. Rowse, *Tudor Cornwall* (1941), p. 169.

² J. L. Vivian and H. H. Drake, *op. cit.*, p. 257.

³ *Ibid.*, p. 258, n. 9. Vyvyan MSS.: 'Short notes of the pedigree of Sir Richard Vyvyan, Bart.' (undated, but after 1626 and before 1724).

⁴ *Cal. Pat. Rolls, 1494-1509*, p. 388.

⁵ S. P. Oliver, *Pendennis and St. Mawes* (1875), p. 84.

⁶ J. L. Vivian and H. H. Drake, *op. cit.*, p. 257.

⁷ *Ibid.*, p. 257.

⁸ E. Cleaveland, *A Genealogical History of the Noble and Illustrious Family of Courtenay* (1735), p. 239.

⁹ *Ibid.*, p. 261.

¹⁰ Vyvyan MSS.

One manuscript folio volume found by the writer in the estate office at Trelowarren is of particular interest. It consists of 95 folios, and when found was bound in decayed wooden boards. It had suffered considerably from damp, but under the instructions of the late Colonel Sir Courtenay Vyvyan it was carefully repaired by the Public Record Office. It proved to be a cartulary of the Courtenay family, and presumably came to Trelowarren when the eighth part of the barony of Okehampton was acquired.

First in interest in its contents is a French text of the *Modus tenendi Parliamentum*, preceded by the text in French of the articles against Roger earl of Mortimer presented to the Parliament which met on 26 November 1330.¹ The two documents appear to be in the same hand. This version of the *Modus* is evidently the one transcribed by Sir Simonds D'Ewes (Harley MS. 305, fo. 284). D'Ewes prefaced his transcript thus: 'Illuc Gallice quod proxime sequitur ex antiquo MS sumitur, quondam registro irrotulaturio chartarum maneriorum de Plimton et Okehampton et aliarum terrarum Cortineorum Comitum Devoniae. Et hic liber nunc pertinet ad familias de Vivian, Arundel, Tretherf ac Trelany, ex coheredibus Edwardi Courtenaei undecimi Comitis Devoniae oriundas.' Michael Vyvyan (1576-1639) was like D'Ewes a member of the Middle Temple, and it is possible that through him the latter became acquainted with the Courtenay cartulary. The existence of D'Ewes' transcript of the French text of the *Modus* has been known for some time,² but its position in the Courtenay cartulary following the copy of the articles of November 1330 may throw further light upon the date of its composition. The Courtenay cartulary also contains a register of fees for the hundreds of Devon, 37 Henry III, prefaced by an inset figure in colour of the king with crown and sceptre, and a similar list for the honour of Plympton, with an initial letter with a design of a castle. The volume also contains a perambulation of Dartmoor 24 Henry III, a register of fees and liberties of Hugh de Courtenay, second earl of Devon, 4 Edward II, and on fos. 58-95 legal proceedings and copies of grants relating to the Courtenay family from 16 Edward II to 3 Henry IV. It will be obvious that the cartulary is an important manuscript and should be carefully edited.

We must now return to the history of the Vyvyan family.

¹ W. Stubbs, *Constitutional History of England* (4th edn., Oxford, 1906), ii. 391.

² E. Jeffries Davis, 'The copies of the *Modus* used by Sir Simonds D'Ewes', *Eng. Hist. Rev.*, xxxiv (1919), 223-5.

The most important churchman in Cornwall on the eve of the Reformation was a Vyvyan, Thomas, prior of Bodmin and titular bishop of Megara, who held from 1523 the rectory of Withiel and in 1524 the Bodmin prebend in St. Endellion. He is said to have rebuilt Withiel church and rectory and the country house at Rialton, where he often resided. He died on 1 June 1533 and is buried in a stately tomb in St. Petrock's church, Bodmin. But there is no proof that the prior was directly connected with the Vyvyans of Trelowarren.¹

John Vyvyan, who succeeded in 1561, died the next year, and was succeeded by his son John, who died in 1577.² His son and heir was Hannibal, the first in the family portraits at Trelowarren. He was captain of St. Mawes and a vice-admiral of Cornwall,³ attorney-general of the duchy of Cornwall,⁴ sheriff of Cornwall in 1601, M.P. for Helston in 1586 and 1601 and for Truro in 1588. In 1597 he bought lands in Camborne.⁵ Among the papers at Trelowarren are documents relating to a survey of St. Mawes in 1589 and accounts of the repairs made in 1591.⁶ There are letters of Hannibal Vyvyan relating to the castle in the State Papers Domestic 1599.⁷ There are also papers relating to the audit held in 1596 of his Courtenay lands in Devon.⁸ He died in London on 4 February 1609.⁹ In his portrait, he looks bold and a typical Elizabethan. His wife Philippa, daughter and heiress of Roger Tremayne, survived him till 1612.¹⁰ He left six sons and five daughters. His second son Michael was a barrister of the Middle Temple ;¹¹ his fourth son Hannibal comptroller of the coinage of tin for the duchy of Cornwall and keeper of the gaol of Lostwithiel in 1625 ;¹² his sixth Roger, one of the tin farmers in 1642.¹³

Hannibal was succeeded by his eldest son Francis, whose portrait is at Trelowarren. Sir Francis purchased in 1626 the manor of Trenoweth Chamond¹⁴ and added other lands to his estate. As captain of St. Mawes he became involved in

¹ A. L. Rowse, *Tudor Cornwall* (1941), p. 147 ; J. Maclean, *Parochial and Family History of the Deanery of Trigg Minor*, (1873), i. 307.

² J. L. Vivian and H. H. Drake, *op. cit.*, p. 259, n. 17.

³ Vyvyan MSS.

⁴ Duchy of Cornwall, Receiver-General's Account, 1603-4.

⁵ Vyvyan MSS., deed of sale (20 Oct., 1597) of Talkarne, Camborne, by Justinian Talkarne to Hannibal Vyvyan for £100.

⁶ Vyvyan MSS.

⁷ A. L. Rowse, *op. cit.*, p. 415.

⁸ Vyvyan MSS., 1596 Audit book compiled by the steward of Hannibal Vyvyan of monies received at the audit at Okehampton, 8 Nov. 1596.

⁹ J. L. Vivian and H. H. Drake, *op. cit.*, p. 259, n. 19.

¹⁰ *Ibid.*, p. 259, n. 20.

¹¹ *Ibid.*, p. 258.

¹² *Ibid.*, p. 259, n. 27.

¹³ *Ibid.*, p. 259, n. 28.

¹⁴ Vyvyan MSS., deed of 10 February 1626, by which Sir Thomas Arundel of Sithney sells to Sir Francis Vyvyan of Trelowarren for £480 the manor of Trenoweth Chamond.

proceedings in the Star Chamber for abuse of his office and was fined £2,000.¹ In 1603 he was M.P. for Fowey and in 1625 sheriff of Cornwall. He died in 1636, and in the copy of his will at Trelowarren, dated 10 July 1633, he bequeathed £1,000 to each of his two daughters as marriage portions; to his second son Robert, apprenticed to a silk merchant, £500 to be paid when he had completed his articles, 'for money is more fit for merchants than land'. He is said by Hals to have altered the interior of his medieval mansion. Trelowarren, set back in a wooded park from the road between Helston and St. Keverne, has retained externally with its battlements and mullioned windows something of its medieval origin, and the tracery of the three windows of the chapel nearest to the house suggests the late fifteenth century.

Sir Francis was succeeded by his eldest son Richard, born in 1613 and educated at Exeter College, Oxford,² and at the Middle Temple, where at Christmas 1636 he led the masque presented to Charles I and was knighted after the performance.³ The same year he secured a licence from the Bishop of Exeter to repair the private chapel at Trelowarren.⁴ He sat for Penryn in the Short Parliament and for Tregony in the Long. He became a Royalist and was commissioned by Charles I on 14 November 1642⁵ to coin money and set up a mint at Truro. On 3 January 1644 he received a second commission to erect a mint at Exeter and was appointed Master of that Mint.⁶ He was also in command of the fort erected on the Dennis Head at the entrance to the Helford river.⁷

With the activities of Sir Richard Vyvyan in the civil war, the sequestration of his estate by the Parliament after the capture of Exeter, and the lawsuits in which he became involved, the writer has dealt in a previous work.⁸ In all, Sir Richard spent in the king's service £9,982.⁹ Charles I conferred a baronetcy on him on 3 September 1644,¹⁰ and Charles II made him a gentleman of the Privy Chamber and Captain of St. Mawes Castle.¹¹ To mark the Restoration, Sir Richard erected a pair of granite pillars dated 1660 at the

¹ Cal. State Papers Domestic, 1631-1633, p. 439.

² C. W. Boase, *Registrum Collegii Exoniensis* (1894), p. 280.

³ G. Holles, *Memorials of the Holles Family*, ed. A. C. Wood, Camden Third Series, iv (1937), p. 236.

⁴ Vyvyan MSS.

⁵ *Ibid.*

⁶ *Ibid.*

⁷ *Ibid.*

⁸ M. Coate, *Cornwall in the Great Civil War and Interregnum* (1933); M. Coate, 'The Royalist Mints of Truro and Exeter', *Numismatic Chronicle*, 5th Series, viii (1928).

⁹ Vyvyan MSS.

¹⁰ Vyvyan MSS., copy of the king's warrant under the Privy Seal, Boconnoc, 3 Sept. 1644. The patent was enrolled 12 February 1644-5. The original patent is at Trelowarren.

¹¹ Vyvyan MSS.

entrance to Trelowarren. In 1662 he built the two-storied bay to the house on the garden side bearing that date. According to the family tradition, the replica in the house of the equestrian portrait of Charles I by Vandyke was given to Sir Richard Vyvyan by Charles II and a necklace of pearls by Henrietta Maria to his wife. Sir Richard died in 1665. In his will,¹ dated 1 August 1665, he set aside £1,000 apiece as marriage portions for each of his five daughters, and made provision for the education of his younger son Charles.

Sir Richard was succeeded by his elder son Vyell, who sat for Helston in the parliaments of 1678 and 1679, was sheriff of Cornwall in 1682 and captain of St. Mawes till 1678.² He died without issue, and was succeeded in 1697 by his nephew Richard, son of his brother Charles.

Sir Richard the second was educated at Exeter College, Oxford. He sat for Cornwall as a Tory in the parliaments of 1703 and 1705. On 8 October 1716 he was arrested at Trelowarren for his share in the Jacobite plot in the west, and imprisoned in the Tower of London.³ The family tradition is that he had just time to burn his papers before being removed; certainly none have been found in Trelowarren relating to his political activities. He died at Trelowarren in 1724.

During the eighteenth century the Vyvyan family remained at Trelowarren, but produced no outstanding personalities. With the accession of the eighth baronet, Sir Richard Rawlinson Vyvyan, in 1820 there is a new interest. Born in 1800 the eldest son of the seventh baronet, Richard Vyvyan was educated at Harrow and Christ Church, Oxford. In 1825 he was returned as a Tory for Cornwall.⁴ He disapproved both of the Catholic Emancipation Act and the Reform Bill. In the debate on the second reading of the latter, Sir Richard led the Tory opposition⁵ and was still speaking when the king arrived to pronounce the dissolution. In the election of 1831 he lost his seat for the county, but through the interest of his Courtenay lands was returned for Okehampton. In the Reformed Parliament and in 1835 he sat for Bristol.⁶

J. G. Grant in his *Random Recollections of the House of Commons from 1830 to 1833* says of Sir Richard: 'He is a good speaker. His periods are rounded and his voice and manner

¹ *Ibid.*

² S. P. Oliver, *op. cit.*, p. 98.

³ Sir C. Petrie, 'Jacobite activities in the South and West of England in 1715', *Trans. Roy. Hist. Soc.*, 4th ser., xviii (1935), p. 99.

⁴ Vyvyan MSS., correspondence of Sir Richard Vyvyan in regard to his candidature for the county.

⁵ *Annual Register*, 1831, p. 83.

⁶ Vyvyan MSS., correspondence between Sir Richard Vyvyan and his constituents at Bristol, 1835-7.

pleasant. He speaks with much fluency, occasionally with commendable effect, but I doubt if he has the energy of character and versatility of talent necessary to constitute an efficient leader of his party.' He was strongly opposed to the Municipal Corporation Act, and presented to Parliament a petition from the 2,000 freemen of the city of Bristol who would be deprived of chartered rights by the bill. He appealed to the House of Lords not to sanction interference with the charters of corporate bodies, but he did not ask for a division at the end of his speech. From 1837 to 1841 he was without a seat, but in 1841 he was returned for Helston and sat for it till 1847. A strong Protectionist, he voted against the repeal of the Corn Laws, and after 1857 he withdrew from politics and spent the last twenty years of his life till his death in 1879 in retirement at Trelowarren. As a leader of the Tory party he was eclipsed by Disraeli.

At Trelowarren material exists for a fuller study of Sir Richard Vyvyan. His correspondence with his constituents at Bristol 1835 to 1837 remains, and a large number of his diaries, written in Italian. In these he recorded public events at home and abroad, as well as his own doings and the books he read. He had a knowledge of the continent and an interest in French and Italian politics. His diaries also relate to the political society of his day; he was in touch with Lord George Bentinck and other leading figures.

In his retirement, Sir Richard indulged his scientific interests in physics, geology and metaphysics. He was assisted in his scientific work by a Dr. Charles Pearce, and was elected a Fellow of the Royal Society. His writings, published under the pseudonym 'sapere aude', are curious. In 1825 he published *An Essay on Arithmo-Physiology*, but he left unpublished two other works, *The Harmony of the Comprehensible World* (1845) and *The Harmony of the Universe* (1849).

In addition to these scientific interests, Sir Richard was interested in judicial questions. His journals show his work as a magistrate and his interest in particular cases. He objected strongly to the bill of 1839 allowing the Secretary of State to empower magistrates to order solitary confinement of prisoners.

Sir Richard died unmarried and was succeeded by his nephew the Reverend Vyell Vyvyan, rector of Withiel. He succeeded his uncle in 1879 and lived at Trelowarren till his death in 1917. He was succeeded by his eldest son, the late Colonel Sir Courtenay Vyvyan, who after the conclusion of the first World War in 1918, in which he served in France, took up

residence in Trelowarren and played an important part in local government in Cornwall. It is to him that the writer owes the opportunity to work upon the rich store of records preserved at Trelowarren. Sir Courtenay Vyvyan was greatly interested in the preservation of these papers, and gave every facility to the writer to work upon them. The war interrupted the completion of the work, and unfortunately some of the records sent for greater safety to the City Library at Exeter perished in the air raid upon that city. Sir Courtenay Vyvyan died on 15 November 1941 and was spared the knowledge of this loss.

Enough has been said to indicate the importance of the records of the Vyvyan family. Much work remains to be done to elucidate the history of the estate, and if this were completed it would add greatly to our knowledge of the economic development of Cornwall particularly in the seventeenth century. In conclusion, my thanks are due to Lady Vyvyan for kind hospitality and access to the Vyvyan papers.

Subject-territory of the commune
of Orvieto c.1300 bounded thus:

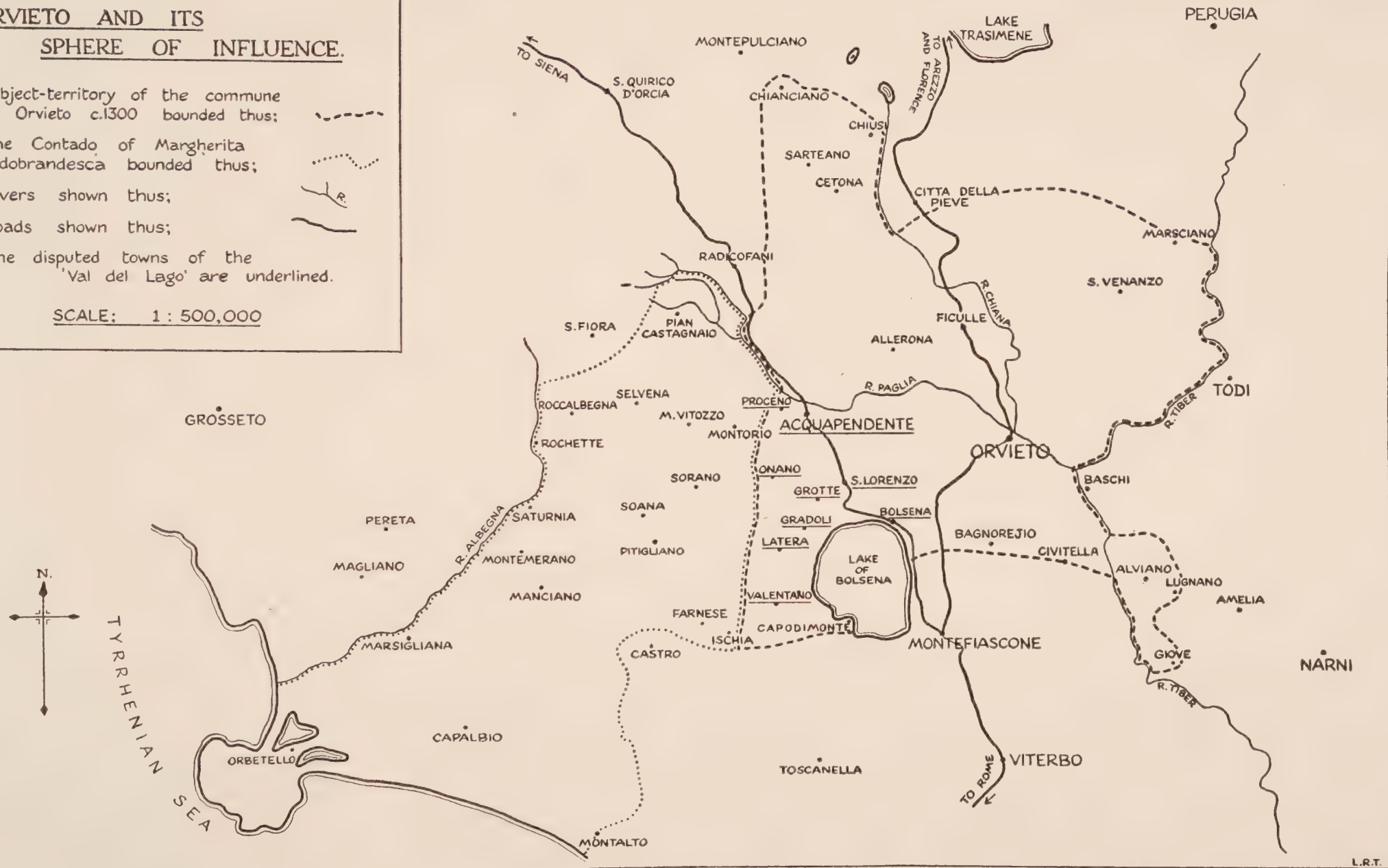
The Contado of Margherita Aldobrandesca bounded thus;

Rivers shown thus;

Roads shown thus;

The disputed towns of the
'Val del Lago' are underlined.

SCALE: 1 : 500,000





LLERO

PAGLIA

INTE

RENZO

BOLSE



POPE BONIFACE VIII AND THE COMMUNE OF ORVIETO

BY D. P. WALEY, M.A.

Read 12 November 1949

A CONSTANT source of discord within the States of the Church during medieval times was the absence of clearly-defined territorial boundaries between the control of the self-governing communes of the Patrimony and that of the papal authorities. Disputes arising from this cause embittered for several centuries the relations of the papacy with some of the principal towns of the Patrimony, among them Spoleto, Gubbio, and Orvieto.¹ The subject of this paper is an episode in the papacy's quarrel with the last of these communes.

Orvieto was a large town (its population probably numbered almost 30,000 at the end of the thirteenth century),² impreguably situated on an isolated plateau of volcanic rock, and dominating from a height of six hundred feet the Florence-Val di Chiana-Rome road at the point where it crossed the river Chiana. Orvieto's municipal institutions were recognized as early as 1157 in a bull of Pope Adrian IV.³

The territory whose rule was disputed between Orvieto and the papacy lay to the west of the town, and was usually known as the Val del Lago di Bolsena. This narrow strip of land comprised in the south Bolsena (situated on the northern shore of the lake) and four towns (S. Lorenzo, Grotte, Gradoli and Latera) on the fertile ridge dominating this shore; north of the Val del Lago proper, and at the other extreme of the disputed area, lay the important fortress of Acquapendente, which occupied a strategic position analogous to Orvieto's, overlooking the Siena-Rome road at the point where it crossed the Chiana.⁴

Orvieto's attempts to dominate Acquapendente date back at least as far as 1157, and the towns had been at war with each other thrice before the close of the twelfth century. Innocent III had come into open conflict with Orvieto in 1198 in the course of his reconquest of the Patrimony, and the

¹ For the other towns mentioned, see G. Ermini, 'Aspetti Giuridici della Sovranità Pontificia nell' Umbria nel Secolo XIII', *Bullettino della R. Dep. di Storia Patria per l'Umbria*, xxiv (1937).

² G. Pardi, *Il Catasto d'Orvieto dell'anno 1292* (Perugia, 1896).

³ *Codice Diplomatico della Città d'Orvieto* (Florence, 1884), ed. L. Fumi (cited hereafter as C.D.), p. 26.

⁴ See the map at the beginning of the paper.

town's persistence in its claim to Acquapendente had earned it a lengthy period of interdict. The dispute over Acquapendente flared up again under Honorius III (1216-29), and during the next pontificate, that of Gregory IX, the dominion of the Val del Lago proper was also at issue. The long struggle with the Hohenstaufen prevented the popes from devoting much of their resources to troubles within the States of the Church, so that for some decades the commune met with protests rather than resistance, though there was a period of sharp conflict during Urban IV's stay at Orvieto in 1262-4. Orvietan petitions against the papal claim to the Val del Lago were made to Clement IV, Nicholas III, Honorius IV and Nicholas IV; the issue was always to the forefront in the commune's politics.¹

The death of the last of these popes in April 1292 marks the start of a new epoch in the history of the Val del Lago dispute. The commune, at the very height of its power and wealth (it had just begun to build the magnificent cathedral which stands to-day as the secure monument of its pristine greatness), was confronted by the tempting prospect of a lengthy vacancy of the Papal throne. The conclave that followed Nicholas IV's death was in fact prolonged for more than two years, during which time it underwent a variety of vicissitudes and several changes of location.²

The delay in the election of a new pope was due to the evenly-matched strength of two rival factions among the cardinals, the Colonna and the Orsini. The events of the conclave, which in 1293 was transferred to Perugia, were certainly followed by Orvieto with great interest. Not only was the personality of the pope an indication of the policy he was likely to pursue concerning the Val del Lago, but two of the cardinals were particularly well known to the commune through their successive guardianship of Margherita Aldobrandesca, the heiress to the southern half of the Aldobrandeschine lands. This vast feudal 'contado', stretching from the Tyrrhenian in the west almost to Acquapendente in the east (a distance of thirty-five miles) and from the river Albegna

¹ The four petitions are mentioned in *C.D.*, doc. dlxx. For the previous history of the dispute, *ibid.*, p. 26 and docs. lxi-iii, lxviii, lxxxiii, clxvi-ii, cxvii, cxciii-iv, cccxxxiii-iv; *Rerum Italicarum Scriptores*, N.S., xv. 5 ('Ephemerides Urbevetanae'), ed. L. Fumi (Città di Castello, 1904) (hereafter cited as *R.I.S.*), pp. 127, 131, 142, 146, 149, 154, 157, 311; *Les Registres de Grégoire IX*, ed. L. Auvray (Paris, 1896-), nos. 514, 1715, 2056; *Codex Diplomaticus Domini Temporalis Sanctae Sedis*, ed. A. Theiner (Rome, 1861), i, doc. cclxxiii, etc.

² The events of the conclave are summarized in T. S. R. Boase, *Boniface VIII*, pp. 29-41.

in the north to Montalto in the south,¹ had been nominally subject to Orvieto since 1216.² The last Count, Aldobrandino 'Rosso', had died in 1284,³ leaving only a daughter, Margherita, whose adventurous career (she married five times) is closely connected with Orvieto's history in the following decade. The Countess Margherita's first husband was Guy de Montfort, the murderer of Henry of Almaine and son of the great Earl Simon. In 1287 Guy was captured off the Sicilian coast by a Spanish naval force and subsequently Margherita lived with, and probably married, a local noble named Nello dei Pannocchieschi.⁴

After the capture of her first husband, Nicholas IV had appointed as Margherita's guardian Cardinal Benedict Caetani, later Pope Boniface VIII, whose relations with Orvieto are the subject of this paper.⁵ As an executor and legatee of the will of the countess' father, Benedict was the obvious choice. He knew that part of Italy well, for he had spent much of his youth at Todi, and as a cardinal had been with the curia at Orvieto in 1281-4 and in 1291. In the conclave of 1292-4 Benedict Caetani was a solitary figure, attached neither to the Colonna nor to the Orsini faction. It has been suggested that he cherished hopes of his own elevation, and we shall find striking confirmation of this hypothesis.⁶

Benedict's nomination as Margherita's guardian dates from 1291; the date of his supersession is unknown, but the evidence suggests that his successor was appointed by the cardinals after the death of Nicholas IV.⁷ This successor was Napoleone Orsini, a member of the famous Roman family; his cardinalate extended over the years 1288-1342. By June 1293, but probably not much before that date, Cardinal Napoleone had

¹ See map.

² C.D., doc. cvi.

³ R.I.S., pp. 133 and 160.

⁴ For Margherita, see especially G. Ciacci, *Gli Aldobrandeschi nella Storia e nella 'Divina Commedia'* (Rome, 1935), i, ch. 6, and corresponding documents in ii; A. Lisini, *La Contessa Palatina Margherita Aldobrandeschi Signora del Feudo di Sovana* (Siena, 1933), *passim*; and G. Caetani, *Domus Caetana*, vol. i, pt. i (1927), ch. xviii (= 'Margherita Aldobrandesca e i Caetani', *Archivio della Società Romana di Storia Patria*, xlv (1921)). For Guy de Montfort, see F. M. Powicke, 'Guy de Montfort (1265-71)', *Trans. Royal Hist. Soc.*, 4th ser. xviii (1935).

⁵ *Les Registres de Nicholas IV*, ed. E. Langlois (Paris, 1886-), nos. 5751-2.

⁶ Ciacci, *op. cit.*, ii, doc. 607 (Count Rosso's will); Boase, *op. cit.*, pp. 7-10, 25-6, 29, 32, 35-6 (Boniface's previous contacts with Orvieto and Todi); see also *Una Continuazione Orvietana della Cronaca di Martin Polono*, ed. L. Fumi in *Archivio Muratoriano*, fasc. 14 (Città di Castello, 1914), (hereafter *Cont. Orv. Polono*) p. 120, for an account of the evil portents accompanying his ordination as priest at Orvieto. It is suggested that he hoped to succeed Nicholas IV by Boase, *op. cit.*, pp. 29, 32; H. Finke, *Aus den Tagen Bonifaz VIII* (Münster, 1902), pp. 31, 37; and R. Morghen, 'Il Cardinale Matteo Rosso Orsini,' in *Archivio della Società Romana di Storia Patria*, xlv (1923), p. 319.

⁷ Lisini, *op. cit.*, p. 69.

married his ward to his brother Orsello Orsini, Guy de Montfort having died in a Sicilian prison. The countess' liaison with Nello dei Pannocchieschi had ended and she now entered on matrimony for the second time—or possibly for the third, though clearly Napoleone Orsini did not believe her to have contracted a valid marriage with Nello.

By the spring of 1293 the year-old conclave appeared to be no nearer the achievement of its purpose. As it dragged on, the commune of Orvieto considered the tempting project of an invasion of the Val del Lago. Since the defeat of the Hohenstaufen the pontiffs had been more and more insistent in their claims: why should not the town overrun the whole area while the conclave talked and procrastinated, and face the new pope, when at last there was one, with a 'fait accompli'?

These schemes, which were under consideration in June 1293,¹ almost certainly date from earlier. Yet Orvieto's only military undertakings that summer were a short campaign necessitated by Orsello Orsini's reluctance to recognize the commune's suzerainty over his newly-acquired lands, and an even briefer expedition against Amelia.²

The explanation of Orvieto's failure to attack the Val del Lago in 1293 lies in an attempt to achieve her object by peaceful means. It was probably early in this year that the commune entered upon negotiations with Benedict Caetani, who may still have been the guardian of Countess Margherita. A secret meeting took place at Viterbo between the cardinal and representatives of Orvieto, and it seems certain that an agreement was reached whereby Benedict, if he became pope, was to recognize Orvieto's rule over the Val del Lago; in return Orvieto was to support the cardinal's projects for securing to his family the lands of Countess Margherita. There can be little doubt that Boniface at this time planned a Caetani marriage for the countess, but that he was forestalled by Napoleone Orsini.

This scandalous proposal to alienate lands held by virtue of a spiritual office and appertaining to that office, in return for a favour to the holder's own family, has never been remarked upon, except in the bald statement of two reliable chroniclers—one an Orvietan and the other Bolsenese—that Boniface VIII exchanged the Val del Lago for the Aldobrandeschine contado.³

¹ See below, p. 127, n. 1.

² *R.I.S.*, p. 163; *C.D.*, nos. dl-dlii.

³ *Cont. Orv. Polono*, p. 120, and Bolsenese chronicle cited in *R.I.S.*, p. 163 n. The Bolsenese chronicler was almost certainly a contemporary (his description of the submission to Orvieto in 1294 appears to be that of an eye-witness). *Cont. Orv. Polono* was not compiled till some fifty years later. Its tone is in general pro-papal, but it is unfriendly to Boniface.

And even these chroniclers are ignorant of the essential fact that the deal was made at least eighteen months before Boniface became pope. It is therefore necessary to set out the evidence for this extraordinary and hitherto neglected transaction, which provides such a vivid and typical example of Boniface's scheming on behalf of his family and has the additional importance of confirming that he expected to succeed Nicholas IV as pope.

The date of the exchange described by the chroniclers is known through the survival in the Orvietan council-minutes of a letter written in December 1295 (a year after Boniface became pope) which refers expressly to this bargain. By then Orvieto had overrun the Val del Lago and Boniface had put the town under an interdict; now Orvieto called upon the pope to implement the 'pacta . . . facta olim Viterbii per dominum Benedictum nunc papam', and threatened in dark terms that if he prevaricated Orvieto would not fulfil her share and 'factum non fiat'.¹ The mention of Viterbo assists the dating of the agreement, for Boniface is known to have spent most of the time between the winter of 1292-3 and the autumn of 1293 at that town.² The Countess Margherita was married to Orsello Orsini by June 1293, and since the bargain almost certainly presupposed her marriage to a Caetani, the period to which it may be assigned can be narrowed down to the first few months of 1293.³

So startling an allegation needs careful support. It cannot be proved with complete certainty, and the objections to it require notice. An obvious question is: May not Boniface have been acting at Viterbo on behalf of the cardinals, and

¹ See below, pp. 128-31. For the negotiations of October to December 1295, Archivio Comunale d'Orvieto (hereafter ACO), Riformagioni 1295, fos. 78-133; the letter of 9 December is fos. 113-14v., and is summarized by C. Dottarelli in his *Storia di Bolsena* (Orvieto, 1928), but he fails to grasp its implications. The letter was approved by the Council of XXIV, by three other Councils 'magnis et diversis', and by a specially-appointed Balia of seventeen.

² Stefaneschi's verse life of Celestine V in F. X. Seppelt, *Monumenta Coelestiniana* (Paderborn, 1921), p. 8. Stefaneschi says that Boniface went to Anagni in the summer of 1292 and that later he spent most of his time at Viterbo; it is not made clear when he moved there.

³ It is not absolutely necessary to the thesis propounded above to suppose that the bargain preceded the Orsini marriage, although this seems highly probable. Boniface knew Margherita's guilty secret, that during her first husband's captivity she had lived with Nello dei Pannocchieschi, and he later used this to dissolve her marriage to his nephew Roffredo (see below, p. 133). He might therefore have proposed to dissolve the Orsini marriage, if he became pope, on the same grounds; this would have had the additional savour of being a snub for his rival Napoleone Orsini. But there is no evidence that he tried to break up the Orsini marriage and this theory is altogether less probable than the one based on the supposition that the bargain preceded the countess' betrothal to Orsello.

have reached some agreement in their name with Orvieto? There is no documentary evidence in favour of this, however, and Orvieto's letter implies that they were dealing with him as an individual; the commune could hardly have thought that an agreement made with the cardinals about papal territory was binding on a pope, whereas it could reasonably be regarded as binding if it was negotiated with the same pope before his election.

Another objection is that Boniface could not know that he would become pope, and that in fact he was not the next pope. The answer is that he was able and ambitious and knew that his chances of advancement were good. Several historians of the period have suggested that he may have hoped to succeed Nicholas IV,¹ and he replaced the pathetic Celestine V with an alacrity that gave rise to much scandal.

The strongest argument for the hypothesis stated above is the renewal of negotiations between Orvieto and Boniface as soon as the Countess Margherita again became marriageable. Her husband Orsello died shortly before 21 October 1295, and these negotiations, which are recounted below, were opened on the 25th of that month,² (the letter referring to the Viterbo agreement dates from a month later). In the absence of conclusive evidence the case must remain 'not proven', but this explanation is reconcilable with all the known facts, and I believe that no alternative one is. Above all—and it is by this that it stands or falls—it is entirely in keeping with the character of Boniface, and with the methods he employed in building up great estates for his family. What is exceptional about the episode is the amount of detailed evidence available, and this justifies the full account given of it here.

This digression stemmed out of the events of 1293, when Orvieto had contemplated an attack on the Val del Lago, but

¹ See above, p. 123, n. 6. G. Villani (lib. viii, cap. v) says that Boniface 'aveva grande volontà di pervenire alla dignità papale' and gives the story, then generally believed, of Boniface persuading Celestine to make the 'gran rifiuto'

² Boase (pp. 33 n., 40–1, and 162) puts Orsello's death in the summer of 1294, just before Celestine's election, but he was still alive in June 1295 (*C.D.*, dlxv). G. Tommasi, *Dell'Historie di Siena* (Venice, 1625), Pt. 2, p. 138, and the Orvietan chronicler Manente (*R.I.S.*, p. 328) say he died in October 1295, and this date is confirmed by the visit to the countess of a Siennese embassy—presumably of condolence—on the 21st of that month (Lisini, *op. cit.*, p. 73). The brother of Cardinal Napoleone, whose death Stefaneschi mentions as occurring in 1294, was probably the Giovanni whose tomb is in S. Francesco at Assisi (see G. Caetani, *Caetanorum Genealogia* (Perugia, 1920), Table lxiv); this is the opinion of the latest historian of Assisi (A. Fortini, *Assisi nel Medio Evo* (Rome, 1940), p. 234).

never carried it out. One obstacle had been the hostile attitude of Perugia, but in 1294 the alliance between the two towns was renewed¹ and the cardinals, who were still in conclave at Perugia, drew the conclusion that Orvieto's assault was imminent. On 12 April they renewed their warning that it would entail 'ipso facto' an interdict, the excommunication of all municipal officers and counsellors, a fine of 20,000 marks, and the loss of any rights Orvieto might possess in the disputed area.²

The attack was launched at the end of May, against Bolsena, by an Orvietan force which included large contingents from the town's subject territories and was supplied with catapults for siege-warfare. The commander was the same Orsello Orsini who had been so loth to submit to the commune the previous year. With the aid of some troops sent by the cardinals, Bolsena held out until 11 June, when it surrendered unconditionally. Two days later the other towns of the Val del Lago submitted and Orvieto established a governor in each. The army moved on to Acquapendente, which was besieged for over a month, but by the third week of July Orvieto abandoned hope of taking the town and a truce was signed. Celestine V, the hermit of Monte Morrone, had now been elected Pope (5 July 1294), and the cardinals, whose responsibility in the matter would soon be over, gave their approbation to the truce.³ Orvieto's next step was to regularize the hasty

¹ In June Perugia replied unfavourably to an Orvietan 'feeler' about her attitude in the event of an attack on the Val del Lago, but Orvieto showed Perugia some papal 'litteras gratie' in October (Dottarelli, *op. cit.*, p. 128). The deed whereby Orvieto appointed a proctor to renew the alliance with Perugia is in ACO (Dipl., Sec. xiii, n. 66). This document is partly illegible and the date is missing, but palaeographical evidence, the presence of a Spoletan in office at Orvieto, and the dating during a papal vacancy enable it to be assigned with almost complete certainty to the first half of 1294 (the only recorded Spoletan official at Orvieto in this period was Celle de'Bustoliti, Potesta in 1294; *C.D.*, pp. 432-4). Boase (p. 33) is under the impression that the attack actually took place in 1293.

² Theiner, *op. cit.*, cccxcii. It is possible that the attack would never have taken place but for the Orsini marriage of 1293; Perugia was only approached in June, after the marriage. But it seems more likely that, even had the agreement with Boniface held, Orvieto would have had to take the Val del Lago by force and Boniface to have made at least a show of disapproval. After 1296 he was hated in the Val del Lago; the Bolsenese chronicler calls the exchange of that year 'contra di Dio e contra di rascione . . . e Dio volse che pochu n'ebe bene'.

³ The campaign is described in *Cont. Orv. Polono* (p. 119) and two chronicles in *R.I.S.* (pp. 163-4 and 164 n.). The cardinals' bull is in Potthast, *Regesta Pontificum Romanorum*, no. 23946. The cardinals' representative at Acquapendente, a friar, was one signatory to the July truce. Orvieto was then under an interdict, and the truce was in no way an acknowledgement of her gains (*C.D.*, dlili and dlxx).

treaties of June, and towards the end of August the Val del Lago towns accepted full terms of submission, whereby they recognized that they were subject to the commune and had been so since time immemorial.¹

Celestine's brief pontificate—from July till December—prolonged Orvieto's breathing-space, for he never achieved a grip on the administration of the Patrimony. Benedict Caetani duly succeeded, and he soon confirmed the sentences already passed on the commune; he also threatened to deprive Orvieto of all rights over her subject-territory unless she promised complete obedience to his commands before 13 March 1295. Orvieto sent an ambassador who took the necessary oath, and on 6 April Boniface despatched Cardinal Napoleone Orsini with authority to lift the interdict after receiving from the commune the towns of the Val del Lago and guarantees of future obedience.² The cardinal, however, returned to Rome with his mission unaccomplished, for at the last moment Orvieto jibbed at the terms. The pope's rejoinder was to issue orders that all the clergy were to leave the town if his instructions were not obeyed within one week; moreover all the inhabitants were threatened with outlawry and the confiscation of their property. The commune persisting in its defiance, the clergy abandoned the town, and another bull outlawed Orvieto, withdrew all its papal privileges, and deprived its judges and notaries of their powers and all its citizens of the right to hold office anywhere. The potestà and captain were to appear before Boniface by 29 June, or Orvieto would be deprived of its bishopric, and fifty-four named ringleaders in the Val del Lago attack were to appear by the same day, or they and their descendants would lose many of their civil and ecclesiastical rights.³

Again Orvieto refused to renounce the struggle. Her reply was to strengthen the defence works of Bolsena and the other Val del Lago towns and to reorganize their garrisons. She also renewed the assault on Acquapendente, but this attack, begun during May, had not been successful by October, and was doubtless abandoned before winter.⁴ Meanwhile the

¹ C.D., dliv-dlvi and Dottarelli, docs. xix-xxii. The towns also swore to the usual articles of obedience.

² *Les Registres de Boniface VIII*, ed. G. Digard, A. Thomas, and R. Fawtier (Paris, 1890-), no. 741; *R.I.S.*, p. 164 (where the exodus of the clergy in May is also mentioned).

³ *Registres de Boniface VIII* (hereafter *Reg. B. VIII*), nos. 767-9, and Theiner, *op. cit.*, cccxciv, which also summarizes the course of events since the summer of 1294.

⁴ ACO, Riformagioni 1295, fos. 9-75v.: N. Costantini, *Memorie Storiche di Acquapendente* (Rome, 1903), doc. xvi.

pope transferred Bishop Francesco of Orvieto to the diocese of Florence, and appointed no successor.¹

In October 1295 the news of Orsello Orsini's death suddenly brought back the possibility of implementing the bargain of 1293, since the countess was now available to marry a Caetani. Orvieto's Capitano del Popolo was at once despatched to the curia on an embassy; he was accompanied by Bishop Francesco, the commune having asked that old ally to act on behalf of his former diocese. On November 14 the capitano was back in Orvieto, apparently hopeful of a speedy reconciliation with the pope, for at his suggestion the Council appointed a proctor 'ad obediendos mandatos Ecclesiae'. On the 17th he was back in Rome, but negotiations apparently broke down, and on the 20th Boniface confirmed the sentences previously passed on Orvieto.² On 4 December, however, messages from the capitano reported that the pope, whose intentions appeared to be friendly, had suggested the nomination of Cardinal Matteo 'Rosso' Orsini as mediator.

The Council decided to accept this mediation, and on 10 December the important letter discussed above was despatched. This message is couched in purposely vague language and in many parts its meaning is obscure, but the general intention is clearly to imply repentance, while giving up nothing.³ It suggested that the pope should hold Bolsena and Grotte until a decision was reached, unless this took longer than three months, in which case they were then to be returned to Orvieto; that after settlement the castles of the disputed towns should be destroyed if not retained by the commune as the seats of its governors; that the interdict and excommunications should be withdrawn and Orvieto fined lightly if at all; and that the Curia should lend its support to the commune's attempts to tax the Val del Lago!

The negotiations continued, a new embassy going to Rome on 19 December. A week later it was joined by the Capitano

¹ *Reg. B. VIII*, no. 438. Bishop Francesco was a firm ally of the commune and a sturdy upholder of the rights of both bishopric and commune in the Val del Lago. The two were closely connected, since the so-called 'right of the Italic cities' equated the boundaries of the city with those of the diocese. Much of the property of the bishops of Orvieto was situated in the Val del Lago, for in the early middle ages Bolsena had been their seat.

² For the negotiations of October-November, ACO, Rif. 1295, fos. 78-133. The Bull of 20 November is *Reg. B. VIII*, no. 847; it may represent a temporary breakdown in negotiations, or it may have been a mere bargaining-move by Boniface. For Orsello Orsini's death, see above, p. 126, n. 2.

³ See above, p. 125. The ambassadors who took the letter were specifically informed that they were not authorized to take any oath on behalf of the commune.

del Popolo, and agreement now seemed in sight, for his instructions were 'ad perficiendam, si poterit, compositionem per ipsum factam cum Summo Pontefice et domino Mattheo Rubeo Cardinale'.

At this point there is unfortunately a long gap in the minutes of Orvieto's Council meetings, which deprives us of any news of the progress of the negotiations until the following March (1296). In that month the archbishop of Reggio was appointed to receive back the towns occupied by the Orvietans (the commune having at last promised to obey all the commands of the Church), and to relax the interdict. The town received absolution on 22 March, and two days later the pope appointed a new bishop.¹ In July Orvieto's reconciliation with the papacy was confirmed by Boniface's election as Capitano del Popolo.²

The pope, however, continued to proceed with great caution. The relaxation of the interdict seems to have been arranged to coincide with the betrothal of his great-nephew Roffredo to the Countess Margherita, and six months later the bargain of 1293 came fully into effect, Roffredo Caetani's marriage coinciding with the announcement of the terms involved in Orvieto's absolution.³ A bull of 4 September 1296 pronounced that, whereas the towns of the Val del Lago were 'Sedi soli subiecti' and Orvieto had no 'imperium' over them, they were to fight on behalf of Orvieto when requested, to pay Orvieto taxes, and to perform all the other duties imposed upon towns subject to the commune.⁴ The Church retained the right to appoint potestà, but on alternate years its choice was to be restricted to a list of four Orvietan nominees for each post; in this clause the bare bones of hard-fought negotiation show very clearly through the bland flesh of pontifical pronouncement. Orvieto was given a month in which to decide whether to accept this cession, so inadequately disguised as a deprivation. There was little hesitation, for only six days later the town and its citizens were fully absolved from their excommunication and outlawry.⁵

The Countess Margherita's marriage to Roffredo Caetani,

¹ *R.I.S.*, p. 168; *Reg. B. VIII*, no. 1574; *C.D.*, dlxvi-dlxix (dlxix = *Reg. B. VIII*, no. 1029). The commune had to raise a loan to pay a sum of money demanded by the archbishop.

² *R.I.S.*, p. 168 and n.

³ Roffredo became Count Palatine and Rector of the Tuscan Patrimony in March (*Reg. B. VIII*, nos. 5452-4); this was doubtless when the marriage was arranged.

⁴ *C.D.*, dlxx.

⁵ *C.D.*, dlxxi-ii. One ringleader alone of the fifty-four condemned in 1295 was to remain excommunicated. Acquapendente was granted by a separate bull, ten days after the towns of the Val del Lago proper.

who in March had been named Count Palatine and Rector of the Tuscan Patrimony, took place at Anagni on 19 September 1296. There were great rejoicings and games at Orvieto, both to celebrate papal recognition of the commune's 'de facto' rule over the Val del Lago and to welcome Count Roffredo and his bride when they came north. Fifty pages and twelve knights, dressed in tunics and fur-lined cloaks specially made for the occasion, accompanied them from Bolsena to Soana.¹

The new settlement now received its first check. The Val del Lago towns, which were only informed of the papal decision in November, refused to accept it. When Orvieto sent ambassadors to receive their submission and their oaths to obey the terms of the bull of 4 September each town refused expressly, stating that its Council met only on orders from the Captain of the Patrimony; this action had clearly been agreed on beforehand. They were not sufficiently strong, however, to withstand for long the powerful combination opposed to them, and the following spring they capitulated. At the end of March 1297 the potestà of these towns were sworn in and assumed office.²

This was not quite the end of all resistance. The Bolsenese chronicler is bitter against both Orvieto and the pope, and probably such feelings were general. There were troubles in 1298 and again in 1301, the Val del Lago towns refusing to pay taxes to Orvieto and claiming the right to tax the property of Orvietan citizens within their own boundaries.³ Yet on the whole the commune seems to have succeeded in securing obedience to its authority.

Pope Boniface's popularity at Orvieto must have been great indeed in 1297, and when he announced his intention of making a prolonged stay in the town elaborate preparations were made for his reception. Jousts were organized, public buildings repaired and—most spectacular of all—statues of the pope himself erected above the two principal gates of the town.

¹ *Caietanorum Genealogia*, p. 52; *R.I.S.*, pp. 169–70.

² Dottarelli, *op. cit.*, doc. xxv; *C.D.*, dlxxiii–dlxxv; *R.I.S.*, p. 170; ACO, Rif. 1297, fos. 5–10 of loose sheets. On 28 February Boniface issued a bull authorizing Orvieto and the officials of the Patrimony to use force against the towns of the Val del Lago, but it was not needed: Grotte had given in three days before, and the other towns soon followed suit.

³ *C.D.*, dlxxvii–iii; Dottarelli, *op. cit.*, pp. 161–3; ACO, Rif. 1301, fos. 27v.–29v., 40, 162. Orvieto's refusal to allow the Val del Lago towns to tax her citizens' property there was a genuine grievance, for these towns were taxed by both Orvieto and the Patrimony. The amounts they paid in taxation to the Patrimony in 1298 are recorded by P. Fabre, 'Un Registre Caméral du Cardinal Albornoz en 1364', *Mélanges d'Archéologie et d'Histoire* (Paris, 1887), pp. 185–93.

Boniface was re-elected Capitano del Popolo, and Orvieto put one hundred and fifty cavalry at his disposal.¹ The Curia remained at Orvieto from June till November, and two great occasions which made the stay particularly memorable were the celebration of the first pontifical mass in the new cathedral and the canonization of St. Louis in S. Francesco.

The pope was elected Potestà and again re-elected as Capitano for 1298, and before leaving Orvieto he made a characteristic gesture; he excused the commune payment of the fine imposed two years before, accepting in its stead the new papal palace that the town was building next to the bishop's palace. On his way south he stopped at Bolsena, whence he issued a further indulgence to all helping the construction of the cathedral, to which he also allotted the revenues of a newly-dissolved monastery for the next five years.² It was very probable at this period that Boniface successfully urged a reconciliation between the two rival communes with which he was closely connected, Orvieto and Todi; their long enmity was suspended in 1301 by a treaty of alliance incorporating an agreement whereby the disputed frontier-fortress of Montemarte was destroyed and its site purchased from Orvieto by Todi for 20,000 pounds.³

In the meantime Roffredo Caetani's marriage to the Countess Margherita had come to an end after only two years. In October 1298 the cardinal-bishop of Sabina was charged by the pope with an inquiry into the validity of this marriage, which had been impugned on the grounds that Margherita had a previous husband who was still alive; if he found the marriage irregular, he was to dissolve it. The cardinal's work must have been soon done, for before the end of 1298 Roffredo was betrothed to Giovanna dell'Acquila, heiress to the county of Fondi, and their marriage took place the following year.⁴

The previous husband of Margherita referred to is Nello dei

¹ *C.D.*, p. 397; *R.I.S.*, pp. 134 and 170. One of these statues is still to be seen above the Porta Maggiore.

² *R.I.S.*, pp. 134 and 170; *Reg. B. VIII*, nos. 1851-2179 and 2207-8; *C.D.*, p. 398 and dlxxvi; Theiner, *op. cit.*, dix. Boniface had already given the Opera del Duomo 1,000 florins (*Cont. Orv. Polono*, p. 126). Although he talks of the cancellation of a fine of 40,000 florins, the bull of 10 September 1296 had seemed to imply that Orvieto was absolved from all her punishments, including this fine.

³ *C.D.*, dlxxvii-dxcii and dxcvii-iii (where the chronology is confused through the date of dlxxvii being read as '1300' instead of '1301'); *R.I.S.*, pp. 172-3 and 215-16. The frontier-dispute over Montemarte had led to many wars, from the beginning of the thirteenth century. The pacification of 1300-1 lasted until 1314.

⁴ G. Caetani, *Regesta Chartarum* (1922), i. 147, and *Caietanorum Genealogia*, p. 52. Roffredo and Margherita were probably living apart in 1297 (*Lisini, op. cit.*, p. 78; *Ciacchi, op. cit.*, p. 270).

Pannocchieschi, with whom she had lived during the captivity of Guy de Montfort, her first husband, and whom she was later compelled to re-marry on Boniface's orders. It has been suggested above that the pope was aware of a means of dissolving the marriage with Roffredo at the time when that marriage was arranged.¹ Boniface, of course, should never have permitted Margherita to marry his nephew if he was aware of her marriage to Nello; since he knew Margherita and her history well, it seems unlikely that he had remained so long ignorant of this marriage.

It is almost certain that the marriage was arranged in the knowledge that its legality was doubtful, and quite possible that it was intended from the first to be dissolved after a short period. Margherita was no longer young, and if she bore Roffredo no male heir the successor to the Aldobrandeschine lands would be either the son she had had by Nello or one of her sons-in-law (she had two daughters by her previous marriages, both of them married in 1296). The marriage to Roffredo could therefore serve a double purpose, for it gave the Caetani a claim to the succession, and might at the same time provide the opportunity of depriving Margherita of her estates as a bigamist. The Orvietan chronicler who called Pope Boniface 'homo in rebus mundanis prudens et cordatus'² knew his man.

It is, however, perfectly possible that the divorce was not decided upon until after 1296. Margherita's failure to provide an heir may have been decisive, while Roffredo was perhaps not unwilling to lose a wife who was twice his age. The matter was probably settled by a shift in the direction of Boniface's territorial interests. By 1298 his ambitions were no longer concentrated upon southern Tuscany, where he had played all his cards; he was now building up a vast network

¹ See above, p. 125, n. 3 and below, pp. 137-8. If Margherita married Nello she probably did so in 1289; in that year Ranieri da Baschi, the brother of Margherita's stepmother, came with troops from Todi and carried her away from Orbetello, where she was living with Nello (*R.I.S.*, pp. 161-2; Ciacci, *op. cit.* pp. 252-6; Lisini, *op. cit.*, p. 13). It is very unlikely that the marriage was valid, i.e. that it took place after Montfort's death in 1291, for Orsello Orsini would hardly have married her in 1293 in those circumstances.

² *Cont. Orv. Polono*, p. 120. Ciacci (pp. 271 ff.) suggests that Margherita was the 'bella donna', of *Inferno*, XIX, whom Boniface

'non temesti torre a 'nganno
... e poi di farne strazio'

but the reference is certainly to the Church. The legality of the divorce was questioned by Nogaret in 1303, when he drew up a list of accusations against Boniface (Ciacci, p. 276). The surviving documents concerning Boniface's posthumous trial refer to accusations of heresy and immorality and this matter is not mentioned in them.

of possessions south of Rome, hence the Fondi marriage in 1299.¹

It is probable that soon after this divorce the Aldobrandeschine contado was put by the pope under the custody of Theoderic of Orvieto, a newly-created cardinal.² Margherita, however, sought support elsewhere and joined forces with her cousin Guy of S. Fiora, the owner of an Aldobrandeschine county north of her own.

The pope's reaction was to incite Siena and Orvieto to war against Margherita and Guy. The cousins were fighting against Siena in 1299, and in 1300 they inflicted a heavy defeat on the Orvietans. In October of that year Boniface charged two members of the Orsini family, Orso and his nephew Gentile, with the prosecution of the war against Guy and Margherita and the capture of their lands. The cousins, who were now married (this was Margherita's fourth marriage, or perhaps her fifth) were proclaimed rebels against the Church.³ Rumour had it that the pope had promised the Orsini the succession to Margherita's lands, and at the least they cherished hopes, for not only had the countess married one Orsini but her daughter by Guy de Montfort was married to another, Gentile's son Romano. This in a way made them rivals of the Caetani, but Boniface never minded playing a waiting game, and that September he had secured the Orsini to his cause by granting them much of the land he had confiscated from the Colonna.⁴

The military effort of 1301 petered out, and Siena made peace with Guy of S. Fiora.⁵ Orvieto continued the war, and the decision to do so was certainly influenced by the receipt

¹ Boase, *op. cit.*, chap. vi *passim*; G. Falco, 'Sulla Formazione e la Costituzione della Signoria dei Caetani, 1283-1303' in *Rivista Storica Italiana*, N.S., vi (Turin, 1928).

² Lisini, p. 89, and *Domus Caietana*, p. 140, suggest this; Cardinal Theoderic was certainly in charge of Saturnia and Marzano in 1300 (*Reg. B. VIII*, no. 3909). Theoderic, who became 'one of Boniface's most trusted servants' (Boase, p. 127) clearly occupied a very special position in connection with the pope's central Italian schemes. Not only was he a sort of 'Adviser on Aldobrandeschine and Orvietan affairs' to Boniface, but he never forgot his place of birth and was always ready to press its claims. The possession of an unofficial but influential representative at the Curia was of great assistance to Orvieto.

³ Ciacci, pp. 287-90 and doc. 645 (in vol. ii); *R.I.S.*, pp. 170 and 172; *Domus Caietana*, p. 140; *Reg. B. VIII*, nos. 3905-6 and 3909; ACO, Rif. 1300, fos. 21-28v. and 136v.-137. Gentile Orsini was made Potestà of Orvieto in 1301, at the pope's request (Rif. 1301, fos. 81v.-88).

⁴ *Reg. B. VIII*, nos. 3911-15.

⁵ ACO, Rif. 1300, fos. 56v.-68, and 1301, fos. 1, 26, 39v.-40v., 44, 49; *R.I.S.*, pp. 172-3; *Reg. B. VIII*, nos. 4326 (April 1301; Florence is asked to provide 200 cavalry for the Orsini) and 4387.

of a secret communication from Cardinal Theoderic in April 1302 stating that the cardinal had reason to believe that the pope was thinking of granting the Aldobrandeschine contado to Orvieto. The commune, which was advised to dispatch ambassadors to the Curia at once, decided that the offer, if made, should be accepted.¹ There is no reason to doubt the genuineness of the cardinal's information, for the Orsini appear to have lost interest in the war after 1301² and the estates were not disposed of until 1303. Yet somehow the opportunity was missed. Orvieto pressed home an attack so successfully that Guy and Margherita submitted to the commune at the beginning of May, though fighting continued intermittently until ended by Guy's death that summer. But it was not until July that ambassadors were sent to the Pope at Anagni 'pro negotiis Marittime', and by then Orvieto's chance was gone.³

In March 1303 Margherita finally lost her lands, and Boniface's schemes came to fruition just ten years after their initiation at Viterbo. The countess was condemned by the pope to forfeit tenure of the whole area held of the monastery of S. Anastasio (this comprised all her lands), an investigation by Cardinal Theoderic having proved that she had alienated the monastery's property without its consent and that she had illegally married her cousin who was, moreover, a rebel against the Church. She was refused the right to appeal. Three days after this sentence the abbot of S. Anastasio granted the lands to Benedict Caetani, a younger brother of Roffredo, and Benedict was invested by his great-uncle with the county palatine.⁴ In April the new count came to receive the submission of his subjects, and paid a visit to Orvieto, where he bestowed a number of knightships.⁵ Like his brother before him, he combined with tenure of the Aldobrandeschine lands the Rectorship of the Tuscan Patrimony, an office which he exercised through a Vicar.

¹ ACO, Rif. 1302, fo. 201 and v. ('... quod sanctissimus pater dominus noster intendebat commune Urbisveteris praeferre in terris Marittime et comitatu Aldebrandesca ipsum commune extollere et magnificare ac ipsi communi ad census ipsas terras Marittime concedere et comitatum').

² They are last mentioned in connection with this campaign in October 1301 (ACO, Rif. 1301, fo. 90).

³ *R.I.S.*, p. 173; ACO, Rif. 1302, fo. 215 (the July embassy, the first to go to the Curia after April); Theiner, dlxi.

⁴ *Reg. B. VIII*, nos. 5333-5 and 5337 (Benedict appointed Rector of the Tuscan Patrimony). An inventory of the Aldobrandeschine lands held of the monastery of S. Anastasio is printed by I. Giorgi, 'Il Regesto del Monastero di S. Anastasio', *Archivio della Soc. Romana di Storia Patria*, i (1877).

⁵ *Regesta Chartarum*, i. 229 (the oath of Montebuono: Caetani gives the date as 1302, in error: the indiction is that for 1303). For the Orvietan visit: *R.I.S.*, pp. 337-9, and ACO, Rif. 1303, fos. 21 and 31v.

But Benedict's rule in his contado was destined to be shortlived. On 7 September 1303, Boniface and his family (including Benedict) were attacked at Anagni by a large party of conspirators who had nothing in common but their hatred of the Caetani.¹ By 11 September news of the outrage of Anagni had reached Orvieto, and the Council of the Popolo met to discuss what action should be taken 'ad utilitatem et statum et exaltationem communis et populi Urbisveteris et ad conservationem iurum et iurisdictionum dicti populi et communis' in view of the 'multe novitates . . . circa statum Romane Ecclesie et Summi Pontificis'. On the motion of one of the Seven Consuls of the Arti it was decided to sign a 'francischia' giving the inhabitants of the Aldobrandeschine contado the same rights as Orvietan citizens and to mobilize a force which was to enter the Aldobrandeschine lands within twenty-four hours and attack any town refusing to submit to Orvieto.² For sheer cold-blooded opportunism this looting of the property of a prostrate ally equals any deed of the Caetani. The pontifical sower of winds was reaping a municipal whirlwind.

The town of Saturnia refusing to submit to Orvieto's officials, it was decided to reinforce the advance-guard of troops with a 'generalis exercitus' comprising the entire cavalry, a thousand foot, and one soldier from each household of Orvieto's contado (including the Val del Lago). A letter from Benedict's Vicar stated his willingness to hand over the Aldobrandeschine towns to Orvieto if the inhabitants gave their consent, but now the commune became suddenly aware of the dangers of the policy on which it had so irrevocably embarked. On 16 September news was received, in a letter from Cardinal Theoderic, of the Pope's liberation, and it must have been a very subdued gathering of the Council of the Popolo which heard a Judge's reminder that their recent policy had been 'magni ponderis et magni periculi' and that 'non decet communi Urbisveteris facere contra dominum Papam a quo tanta beneficia recepit'. It was decided to send an embassy to condole with the Pope and to congratulate him on his escape; a slip by the notary at this point casts some doubt on the sincerity of the message, for he began to write that the embassy should 'de sinistro casu gaudere', but

¹ Cardinal Napoleone Orsini, whose rivalry with the Caetani concerning the Aldobrandeschine contado has been mentioned above (pp. 123 and 125 n.) was in touch with the conspirators (Boase, p. 349) and was a hostile witness at Boniface's posthumous trial (*ibid.*, p. 368).

² ACO, Rif. 1303, fos. 60-63v.

crossed out 'gaudere' and amended this to 'de sinistro casu dolere et de restitutione gaudere'.¹

On 23 September it was known that the pope had returned to Rome, and the Council decided that the 'impresa facta per Populum ulterius non procedat'. The towns already captured were to be garrisoned. A new embassy visited the Pope but its members, if questioned about the Aldobrandeschine contado, were to say they had no mandate to discuss that matter.²

After only three weeks there was once again a dramatic turn in events. The Pope died on 12 October and at once the commune decided to press home the attack against the remaining Aldobrandeschine towns. Monte Acuto, the last of the major towns, fell after a siege, in late November. For the winter Orvieto allotted a small garrison to hold each of the towns.

Throughout this period Orvieto's Capitano del Popolo was a Pistoian deputy for Boniface, who had again been re-elected to that office!³

The history of Orvieto's dealings with Boniface VIII over the Val del Lago and the Aldobrandeschine lands is incomplete without a brief epilogue recounting their aftermath.

In the autumn of 1303 the town was punished for its onslaught on the Aldobrandeschine contado by a new interdict. The new Pope, Benedict XI, though duly elected as Potestà and Capitano, was unfriendly to Orvieto, but he does not appear to have claimed back the Val del Lago.⁴

Meanwhile Orvieto's war developed into a defence of the contado against Nello dei Pannocchieschi, whom Margherita

¹ For all these events, ACO, Rif. 1303, fos. 64-6. Difficulty was experienced in raising sufficient troops because the Val del Lago towns had just provided men for the Patrimony and protested against this double imposition.

² *Ibid.*, fos. 67-69v.

³ *Ibid.*, fos. 74-6, 79v.-80, 86v.-88; C.D., p. 387. Several of the Aldobrandeschine towns submitted formally in January 1304 (C.D., dciv-dcv).

⁴ The interdict was imposed when one Amato was Vicar of the Patrimony (C.D., dcxiv): this dates it to 1303 when Benedict Caetani's Vicar was Amato di Giovanni (*Les Registres de Benoît XI*, ed. C. Grandjean (Paris, 1883-), no. 91). ACO, Rif. 1303, fo. 84, and 1304, fos. 133v. and 146v. (Benedict XI Potestà and Capitano). The pope was invited to Orvieto (*ibid.*, 1304, fo. 112), and Ferreto de' Ferreti (*Historia*, i. 173, in *Fonti per la Storia d'Italia*) says he stayed there four days, but *Cont. Orv. Polono* (p. 126) and another Orvietan chronicler (*R.I.S.*, p. 339) give Acquapendente as the place of his stay: the latter adds that he was 'poco amico ad Orvieto'. The Bolsenese chronicler (*R.I.S.*, p. 174 n.) states that Benedict XI revoked Boniface VIII's concession of the Val del Lago, but there is no trace of such a deed, and the statement is improbable.

had recently married, or re-married; but the couple soon parted company, and Nello abandoned his pretensions to the area.¹ For the rest of her life Margherita threw in her lot with the Orsini; her brother-in-law Cardinal Napoleone was her special protector, and the eventual heir to her lands was her grandson Guido Orsini. The countess settled in Rome, where she seems at last to have found peace, interrupted only by one curious interlude when an impostor appeared in the Maremma, claiming to be the Countess Margherita.²

This settlement, like so many others, was disturbed by the expedition of the Emperor Henry VII. Fearing lest the countess should place herself under imperial protection and renew her claims to the contado, the commune asked her to come and live at Orvieto and even offered her an allowance. After much hesitation Margherita agreed, but Orvieto's fears were well-founded and in February 1313 she and Gentile Orsini entered the contado and rapidly secured the submission of several of its principal towns.³

Orvieto's reaction to the danger was to send an embassy to Anagni to seek Benedict Caetani and offer him the tenure of all Orvieto's zone of the Aldobrandeschine contado. After 1303 Benedict seems to have abandoned his claims to his former estates, but in 1313 he was the obvious choice, for he played a leading part in the Angevin defence of Rome against Henry VII and the Ghibellines in 1312-13. The negotiations were rapidly concluded, and on 1 April 1313 Benedict appointed a proctor to swear on his behalf that he would pay 12,000 florins to hold the Aldobrandeschine contado of the commune.⁴ Ten years after his death Boniface's schemes continued to bear fruit.

The interdict imposed on Orvieto in 1303 lasted for over ten years, the negotiations for the town's absolution lingering

¹ ACO, Rif. 1304, fos. 109v.-153v.; Caetani, *Domus Caietana*, p. 143. Margherita was compelled to marry Nello by Cardinal Theoderic, on papal orders (Ciacci, ii, doc. 651); see above, p. 133.

² *Domus Caietana*, p. 144; *Regesta Chartarum*, i. 240.

³ ACO, Rif. 1312, fos. 220v., 253-5v., 270, and 1313, fos. 3-16; *R.I.S.*, pp. 136, 178, 350. Orvieto had kept in touch with Margherita, who still owned property there (Orvieto, Archivio Vescovile, Codice A, fo. 83): in 1308 the commune aided her daughter and son-in-law in a war (Ciacci, p. 328; ACO, Rif. 1309, fos. 183v. and 217, and 1310, fo. 10) and in 1309 she planned a visit to the town (Rif. 1309, fos. 284v.-285). The promised allowance was never paid her.

⁴ *C.D.*, dcxi; the deed of submission is no longer extant, but it figures in a fourteenth-century inventory of the Orvietan archive (*R.I.S.*, p. 123). For Benedict Caetani's rôle in opposing Henry VII, see C. W. Previté-Orton, 'The Roman House of Caetani in the Middle Ages', *Edinburgh Review*, cxxlviii (Oct. 1928), pp. 303-4. Benedict died in 1322 and was succeeded by Guido Orsini, the son of Margherita's daughter Anastasia de Montfort.

on until December 1313.¹ The death of Benedict XI and the Papacy's move beyond the Alps delayed the matter, but Clement V confirmed the interdict and in 1307 the commune initiated a serious attempt to obtain absolution. In 1308 an Orvietan ambassador to the Curia was empowered to offer 6,000 florins for absolution, if the Papacy would recognize the commune's right over the Aldobrandeschine contado; but in 1309 he reported that 13,000 florins were required. A great effort was made to raise this sum, but in 1310 Orvieto rashly fell foul of the authorities of the Patrimony (Montefiascone was sacked after the Captain of the Patrimony had intercepted some grain intended for Orvieto),² and the Curia was able to raise its demands yet again. Another cardinal was put in charge of the affair, and a disillusioned ambassador reported that the number of ecclesiastics concerned was being increased in order that more might receive presents and a share of the fine. In 1312 Orvieto raised a large loan from its Jewish community, and the sorry business at last came to an end in 1313 when the commune received absolution on payment of over 16,000 pounds. The Curia's rapacious exploitation of Orvieto's treacherous volte-face of 1303 makes a fitting end to twenty years of sordid dealings.

¹ For the interdict and the negotiations leading up to Orvieto's absolution, see *C.D.*, dcxiv and notes. The whole episode is characteristic of the methods that made Dante call Clement's successor, John XXII, 'Tu che sol per cancellare scrivi' ('You who order only to countermand'—*Paradiso*, xviii, 130).

² *R.I.S.*, pp. 135 and 177; *ACO*, Rif. 1310, fos. 71-2 (there was a severe famine in 1310). It is not clear to what extent the interdict was observed throughout these years, but when Cardinal Fieschi went to Orvieto in 1311 he thought it worth while to obtain Papal permission to celebrate Mass there (*Regestum Clementi Papae V* (Rome, 1885), no. 7545).

PRESIDENTIAL ADDRESS

BY PROFESSOR T. F. T. PLUCKNETT, M.A., LL.B., F.B.A., F.R.Hist.S.

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DEEDS AND SEALS

ONE of the more pleasant aspects of academic life is the informal chat between a professor and a young historian when they plan together a very necessary and illuminating book. It will be agreed that the subject is of high interest from several points of view, that the material is adequate—indeed, abundant, and that it might well prove to be a *magnum opus* upon which a respectable reputation could be built. Some of the main problems of the subject will be briefly indicated, some daring guesses will emerge (of course, suitably qualified with the remark that ‘there may be nothing in it, but it might be worth looking into’), and a wealth of references will be given to the more obscure foreign periodicals.

After a pleasant hour the young inceptor withdraws, half flattered, half frightened at the prospect before him, and finishes up, as often as not, in politics or a bank. (My experience, as you know, is mainly from schools of law and economics.) The master has long been used to that sort of thing and comforts himself with the thought that in any case he has been sowing good seed, and it only needs luck for some of it to fall on propitious soil. Occasionally the book actually comes into existence, but the chances are that the subject has taken a new shape, that the sources fail at the critical moment, and that instead of solving the problems which interested the proposer, it raises others which attract him less. Most frequently, however, he is spared that disappointment, and rests with the feeling that at least the good seed was sown, and that sowing seed is a graceful gesture (as French postage stamps used to remind us), and not at all strenuous.

The remarks I am about to lay before you are very much of the sort just indicated, at least in this respect, that they will suggest a book which ought to be written. No doubt it is obvious that most Fellows of the Society are already busy with other books on other subjects; nevertheless, I venture to hope that somehow, someone may be moved directly or indirectly by a consideration of my plea, which is this: there ought to be a thick volume (or better still, several) which would merit the title of *Manuel de diplomatie anglaise*.

The title slips out naturally in French—for diplomatic is

conspicuously a French science ; if the book were to come in the fullness of time from the *École des Chartes* no one would be surprised and all of us would be grateful. Are we not already indebted to that famous tradition for an admirable study of instruments under our minor seals ? ¹ But we may with propriety watch our balance of payments and ask whether we could not do it ourselves. After all, did not the great Mabillon himself exchange learned compliments with that fierce old non-juror, George Hickes ?

Those were the heroic days when Benedictines and Jesuits were hammering out the new science in the heat of battle, and it is good to know that an Englishman was there. Every generation of English historians can show work well done upon this or that question of native diplomatic. Anglo-Saxon charters naturally held the centre of the stage as successive generations of historians re-examined them for constantly changing purposes. Instruments under the great seal were even more abundant and their form was of practical legal importance long after the middle ages ceased. Documents of private origin were apt to be overlooked, save for the purposes of the mysterious art of conveyancing, until Madox produced our first and still our best *Formulare* on historical principles in 1702. Madox was not quite a lawyer, and the contents of his book may have shocked so many legal dogmas that lawyers seem to have kept well away from it. Indeed, it is a characteristic of a historical legal system that practitioners are apt to be afraid of any disturbance of the historical bases of their work, which depends upon a sincere belief in the 'fable agreed upon'. The legislation of the nineteenth century has made those fears superfluous. The time is ripe for a history of conveyancing, which will be a long chapter in that *Manuel*. Diplomatic study has been continuous with us, but the stream has been very slight and has meandered from topic to topic without ever becoming generalized into the broad and noble flood which ought to have refreshed the field of medieval history as a whole.

One attempt was indeed made to treat diplomatic in general terms. That was by Hubert Hall, to whom several generations of commencing historians have been indebted for countless acts of kindness. His *Formula Books* have many merits, but his volume of *Studies in English Official Historical Documents* was starved of space because it included palaeography and a history of the public records as well. Still, it gave to many young students a glimpse of what diplomatic is. He nominally con-

¹ E. Déprez, *Études de diplomatie anglaise* (1908).

fined the *Studies* to official documents, and his interest in them to the language in which they were couched; but the very fact that his treatment takes place within the larger framework of archives and public administration was significant. He realized that diplomatic is barren indeed if it concerns itself only with phraseology and omits to consider a document as part of a transaction in which it is an instrument carefully chosen with a view to its appropriate functions.

And indeed, diplomatic does include the functional as well as the formal study of documents; but these documents function within the general legal system of the place concerned, and so a considerable chapter of legal history is common ground to legal and diplomatic science. We can go further. A general survey of human cultural history would surely have good cause to consider at length the nature of the revolution whereby documents replace real acts. To take your cow to market, find a purchaser, strike a bargain, and come home again with some money instead of the beast, is one of the oldest and commonest transactions in history. But the contract is real, and executed; the seller, the buyer, the cow and the money are present together in one place at the same time. While those conditions were necessary only parochial trade was in contemplation. It was indeed a revolution when it became possible for a sale to take place when the purchaser was on the Continent, the seller a woolgrower in Yorkshire, the money in an Italian bank, and the wool not yet in existence. Such complicated transactions became possible by making very slight modifications in the form of traditional documents.

For some purposes the use of documents began fairly early, especially in connection with transfers of land and the acknowledgement of debts. As soon as their use became common, it was evident that there was a problem—practical as well as theoretical—concerning the relationship of the document to the economic facts which it represented. Is the document merely a memorandum to aid the memory of the parties? Or is it the transaction itself? Since Brunner's famous essay it has become usual to describe documents of the former sort as evidential, and the latter as dispositive.

This distinction was made familiar to English readers by Maitland.¹ It is difficult to find in Anglo-Saxon sources the

¹ F. Pollock and F. W. Maitland, *History of English Law*, ii. 86-7, accept Brunner's thesis that the Anglo-Saxon charter was dispositive; Hazeltine in his preface to D. Whitelock, *Anglo-Saxon Wills*, pp. xiii-xiv, regards it as evidential; for later discussions, cf. *Economic History Review*, vi. 64, and the review of recent literature by A. de Boüard, *Manuel de diplomatique* (1948), ii. *passim*.

answer to this question, for we may well doubt whether contemporaries ever put this question to themselves—in any case, in a form so clear cut. Indeed, that part of diplomatic which is concerned with the functional aspect of documents is generally hampered by the failure of evidence at this critical point. Moreover, the requisite evidence is generally not in the documents themselves. Every scholar who has worked upon them has been impressed by the fact that conventional forms are constantly employed in situations which make it evident that the forms no longer accurately represent either the thoughts or the deeds of the parties.

The patient gleaning of chance phrases has assembled much suggestive evidence upon such matters. When we get our English manual, however, we shall have much more precise information at our disposal. The immensely rich judicial sources available in this country enable us to overhear medieval men discussing, with deliberation and in their own words, the nature and meaning and effect of the documents which they used in the course of their affairs. The *Curia Regis Rolls* are already an imposing series at the beginning of the thirteenth century; the *Year Books*, beginning towards the end of the century, give us an even more intimate glimpse of the function of documents as the courts conceived it. Some samples of this sort of contribution will show the value of rolls and reports for this type of investigation.

At the outset we may note that common language has seemingly pre-judged the matter, for the charter under seal was currently referred to as a *fet, factum*, deed. At first sight this would seem to justify the deduction that the charter was itself the fact, and not merely evidence of the fact. Matters were not as simple as that, however. In 1294 Hertford, J., reminded counsel that 'charters and fines are not deeds, but only evidence of deeds'.¹ That seems to suggest that popular language (even on the lips of lawyers) had run far ahead of the law, and that it was erroneously that charters were called 'deeds'. Such unwarranted use of language was constantly occurring, however; the word 'feoffment' was often loosely applied to the document which narrated the act of enfeoffing.²

The doctrine of Hertford was already enshrined in the classic pages of Bracton,³ and it has been demonstrated that charters founding monasteries may be drawn up many years

¹ *Year Book 21 & 22 Edward I* (Rolls Series), p. 404; note the inclusion of fines in the remark.

² Cf. Hazeltine, *op. cit.*, p. xiii, n. 1.

³ Bracton, *De Legibus*, fo. 169 b.

after the first steps were taken. In other words, the gift was effective without the charter, and the charter merely narrated the early history of the process of foundation. Clearly there were practical reasons for that, as Professor Galbraith has shown;¹ perhaps too there was the legal difficulty of finding a donee for the first gifts when there was no church, no abbot and no monks to take title. Such difficulties long remained, as the *Case of Sutton's Hospital* (1612) well shows.²

Apart altogether from the special case of gifts to a proposed corporation, the same sort of question is raised by gifts between natural living persons. The distinction between the fact of the gift and the making of a charter is clearly drawn.

If we pursue that proposition any further, however, we find ourselves immersed in what Maitland called 'the mystery of seisin'. It is not simply the relation of parchment to the events inscribed upon it, but the nature of the event itself which is involved: in other words, a right in land rests upon seisin, and seisin alone. Pen and ink, parchment and wax are irrelevant. The secondary importance of the charter seems therefore the result of the doctrine of seisin rather than of a doctrine of charters. Here are a few cases in skeleton form:

A brings novel disseisin against *B*.

B says 'I entered by feoffment,' and shoves in (*boute avant*) a charter.

A: 'Never mind the charter'; we were seised and disseised. The assize shall pass.³ (1292)

Again, a deed made by one not himself seised is worthless:

A brings mort d'ancestor against *B*.

B says *A* enfeoffed him by charter.

A admits the charter but says she was not seised when she made it; this issue will be tried by the assize.⁴ (1293)

Yet another example:—

In a writ of ael the demandant alleged that his grandfather died seised.

The tenant pleaded a charter by that grandfather.

¹ V. H. Galbraith, 'Monastic Foundation Charters', *Cambridge Historical Journal*, iv. 205. As to witnesses *ex post facto*, see Sir Cyril Flower's *Introduction to the Curia Regis Rolls* (Selden Society), lxii. 281, and cf. the remarks of Brunel in *Bibliothèque de l'École des Chartes*, lxxi. 606-7.

² Coke, *Reports*, x. 1.

³ *Year Book 20 & 21 Edward I* (Rolls Series), p. 184.

⁴ *Ibid.*, pp. 456-8.

Held: the charter does not matter, and the plaintiff may prove that the grandfather died seised.¹ (1302)

In all three of these cases the defence put in a charter from the demandant or his ancestor, and in all three the defence was told that, even assuming the genuineness of the charter, it will not help him; his only defence is to prove or disprove some alleged fact of seisin.²

So far, so good. The cases give us a clear and consistent idea of the place of the charter in our law. But turn over a few pages of the Year Book, and you find this:

Alan demanded by a writ of entry, saying that his mother had disseised him.

The defence put forward his mother's deed with warranty.

Alan protests vigorously that he was seised and disseised.

Judgement: Alan must answer the deed.³ (1302)

This time the rule is completely reversed, and we therefore seem to catch our ancestors stating two mutually inconsistent theories about the nature of a deed. The situation is far from simple. We must remember that these apparently discordant decisions were made after due deliberation by judges of the highest eminence, Hengham himself among them, and that keen intellectual analysis of legal decisions was constantly going on at the hands of teachers and students in the law schools at this very moment. Woolly or untidy thinking about the law was very much at a discount, and there is abundant evidence that lawyers were deliberately searching for rule and logic and principle. We may be sure that the contradiction in our cases is not the result of ignorance or muddle, but is rather an example of rule and exception. But which is the rule, and which the exception? And, however we answer that question, what was the disturbing factor which made an exception necessary?

I shall not be so rash as to prejudge the conclusions of our new Manual on the first question, but on the second I may venture to hazard a few guesses.

Looking again at the four cases just mentioned, it will be noticed that the first was an assize of novel disseisin, the second an assize of mort d'ancestor, and the third an action of ael (which is a variant of mort d'ancestor). The fourth—the discordant case—was an action of entry.⁴ That circum-

¹ *Year Book 30 & 31 Edward I* (Rolls Series), p. 2.

² In the second case the further point was made that the charter presumes that *A* was seised since the ancestor's death; that in itself would exclude *A* from bringing mort d'ancestor.

³ *Year Book 30 & 31 Edward I* (Rolls Series), p. 12.

⁴ Sir Cyril Flower first made this distinction: *Selden Society*, lxii. 358.

stance suggests a reason for the divergent rules, and seems to indicate that the 'disturbing factor' which we have postulated may be the petty assizes of Henry II. If this is true, we have an explanation for the conjecture put forward a moment ago, that our treatment of charters was based primarily upon a doctrine of seisin rather than upon a doctrine of charters as such.

The framework of Henry II's assizes was so rigid, and wording of the writ was so clear, that for a long time courts refused to allow parties to depart from the strict tenor of the writ. The peremptory question in novel disseisin was whether the plaintiff was seised, and whether the defendant disseised him; in mort d'ancestor and ael, whether the ancestor died seised and whether the demandant is his next heir. These actions make no pretence of getting to the question of rights between the parties; they merely concern themselves with the affront to public order when a disseisin or an abatement takes place. From that point of view it becomes clear that charters are irrelevant, and that they contribute nothing to a case: charter or no charter, the sole question was whether the defendant had committed (or profited by) a disseisin. The defendant is therefore not allowed to plead that he has title (by a charter or otherwise), but must show that he has not committed a 'tort'.

The razor-edge of Henry II's assizes grew blunt with the years and took astonishing twists and turns when finally deeds were pleaded, until in the end we find the invention of the curious doctrine of 'colour'; but that is a later story.

Our fourth case, however, is not an assize but a writ of entry. That brings us to a very different part of the law. We are already mounting the ladder which leads to the writ of right, although this particular specimen is still very low down. It is permissible in this action to introduce matter which trenches upon the right, as distinct from the barest and most recent seisin. By the early years of Edward II it had become a commonplace that if you talk about your ancestor, or put in a charter, you have embarked upon a discussion of the 'right'. This was logical and inevitable. Yet even here, the role of the charter is not quite what one would expect; the doctrine of seisin still seems to get in the way of the charter. Let us look at some cases:

Entry to recover land after a lease had expired.
Tenant says he was enfeoffed in fee during the term.

Neither the term nor the fee was witnessed by a charter.
Issue taken on the feoffment.¹ (1292)

Neither the lease nor the feoffment are any the worse for being made without a charter. But in a similar action when the alleged term was without deed, the tenant produced a charter of feoffment; the demandant was put to answer the charter² (1293).

We have already noted that a descent will introduce some element of right, even into mort d'ancestor, and have seen a case where the demandant seemingly answered a deed put forward by the tenant.³ Here is another example, where the answer is particularly notable: the tenant in an assize of mort d'ancestor pleaded a charter in fee simple; the demandant admitted that it was his father's charter, but said it was in fact conditional upon the tenant marrying the demandant's sister within a month—which he failed to do⁴ (1292).

This raises a very important question: if a charter says one thing, can one plead that it meant something else? In particular, if the charter is in common form, can one allege that in fact there were conditions annexed, which are not expressed in it? The practice of doing so was very common, and many a lease for years was accompanied by a charter of fee simple as an additional security, especially when the transaction was essentially in the nature of a mortgage. It is only slowly that our courts came to the conclusion that you cannot aver to the jury facts which would modify the terms of a deed. When the Year Books begin, that process is already well advanced, and the tendency is unmistakably in the direction of casting more and more emphasis on the charter in real property cases.

Once again, causes can be detected for this development. Changes in the attitude towards seisin may account for much. Henry II's policy roughly thrust aside the charter and concentrated on the most recent seisin. Edward I reversed that policy, and his legislation deliberately shifted attention to questions of right rather than mere possession, and assumed (even where it did not prescribe) that transactions would be carried out by deed and not simply by word. The petty assizes thus grew less common among well-to-do litigants,

¹ *Year Book 20 & 21 Edward I* (Rolls Series), p. 314.

² *Ibid.*, pp. 430-2.

³ *Supra*, p. 145, n. 4; the defendant professed to use the charter to abate the writ, not as a bar.

⁴ *Year Book 20 & 21 Edward I* (Rolls Series), p. 258: the judge held (but with obvious difficulty) that the father died seised, notwithstanding the charter.

who resorted instead to the writs of entry. Pressing in the same direction was the widespread use of clauses of warranty in charters. Warranty worked simply and naturally in the old days before *Quia Emptores*; but an unforeseen effect of that statute was to separate warranty from feudal lordship. When subinfeudation was the rule, it was obvious to the countryside who owed the duty of warranty, for your neighbours knew perfectly well who your feudal lord was. After *Quia Emptores* there was no bond of tenure between the vendor and purchaser of land, and if the vendor had given a warranty it was essential to have it expressed by deed, for the country might easily lose memory of a relationship which was not regularly and publicly made clear by such means as homage or suit of court or other feudal services. A charter thus became essential.¹ Once again, however, we must observe that the position and nature of the charter are being modified by extraneous forces, and not by the conscious development of a doctrine of charters as such.

So far, I have only dealt with charters of land. It must be remembered, however, that the bond under seal was universally used in connection with the loan of money. Its great effect was that compurgation was not a defence to a bond, although it was a defence to a simple debt.

At a later stage, in the fifteenth century, the courts reached a very precise answer to the problem of the relation between the bond and the debt. Thus, suppose that *A* lends *B* ten pounds. At that point *A* is entitled to an action of debt against *B*, in which *B* would be entitled to defend himself by wager of law—compurgation. Subsequently (while the debt is still outstanding) *B* gives to *A* his bond under seal for ten pounds. The situation is now changed: *A*'s remedy is an action of debt on the bond, and *B* will have to defend himself before a jury. Later still, *A* loses the bond. *A*'s remedy is gone for ever for he cannot sue on the bond without producing it, and the law regards the simple debt as having been discharged by the making of the bond.² Such a doctrine has at least the merit of being consistent with itself: it regards the debt and the parchment as being the same thing. No debt exists apart from the parchment.

Suppose the debt is finally paid. The only safe discharge is for the debtor to get his parchment back. In one case

¹ The process had already begun in 1267 with the statute of Marlborough, c.9 (cf. my *Legislation of Edward I*, pp. 63 ff.). The need for a charter lay at the root of the *quo warranto* controversy, and was reinforced (though not in express terms) by *De Donis*.

² Y.B. 1 Henry VI, Michs. no. 31; cf. Y.B. 22 Henry VI, Pasch. no. 32.

when this happened the debtor, yielding to human weakness, kept his old bond—perhaps to gloat over it. The former creditor, knowing this, contrived to get possession of the bond again and brought his action. The debtor must pay again.¹ Similar troubles were caused by the lost bond, the lost acquittance, and the special case where a party tried to plead a deed which was in the hands of his adversary. It would seem that the common law grew stricter as time went on, and that it was only with the rise of equity in the chancery that relief against this rigorous operation of a deed could be obtained.

It remains to say something of seals. We have little as yet to place beside the numerous continental monographs upon seals, their form and their legal effect. But ample material exists wherever the nature of deeds is questioned. The seal, in fact, is the essence of the deed and not mere corroborative detail. Thus an indented acquittance was not a sufficient discharge of a specialty debt, because it bore no seal—the judge appealed to the creditor to act in good faith, but there is no evidence that he did do the honest thing.² A writing without a seal is therefore not a deed. Conversely, we can say that a seal without writing is a deed: thus a deed between *A* and *B* bore also the seals of *C* and *D*. Thereby they were held to become parties to the deed although their names were not mentioned in the operative part of it.³ Again, take the case of a tally with a seal attached to it. The maker might protest that it is 'only a piece of wood', but the court held that the seal had made it a deed.⁴ The unauthorized use of a person's seal might have disastrous results therefore, and the loss of a matrix caused great concern, among others, to Isabel de Forz.⁵ The matrix itself became a mighty thing; the king might impound the seal of a marcher lordship,⁶ and the statute of Carlisle tried to enforce upon religious houses certain rules for the custody of their seal.⁷

There is abundant material for the legal effect of seals, but not all of it is clear. Thus we are told that Howard, a serjeant, demanded a view of a deed proffered by his opponent. It seems that the deed was shown to him folded up, with the seal hanging outside, and that Howard looked at the

¹ *Year Book 11 Richard II* (Ames Foundation), pp. 12–14, and my commentary, *ibid.*, pp. xliii–xlvi.

² *Year Book 30 & 31 Edward I* (Rolls Series), p. 158.

³ *Year Books of Edward II* (Selden Society), vii. 9; xx. 122.

⁴ *Ibid.*, vi. 154.

⁵ N. Denholm-Young, *Seignorial Administration*, p. 18.

⁶ E. F. Jacob in *Transactions of the Royal Historical Society*, 4th series, x (1927), 27.

⁷ 35 Edward I; cf. Dom Berlière, *Revue Bénédictine*, xxxviii. 288 ff.

seal only, but dared not look at the writing inside. Unfortunately the Year Book does not explain the reason for this timidity, which is all the more puzzling because Howard was very well acquainted with the contents of the deed, which he proceeded to discuss in detail.¹

That, however, is a very minor matter compared with the serious and fundamental questions of the nature and operation of deeds under seal. In its broadest aspect, the subject-matter of diplomatic is the relation between documents and facts. English sources are abundant for the study of this problem which becomes more impressive as time goes by—are we not all of us filed on cards in the Ministry of National Insurance? That of course would make a very long story; for the moment I shall be more than content if I live to see a *Manual of English Diplomatic*.

¹ *Year Book 20 & 21 Edward I* (Rolls Series), p. 66.

ROYAL HISTORICAL SOCIETY

REPORT OF COUNCIL. SESSION 1948-49

THE Council of the Royal Historical Society have the honour of presenting the Annual Report to the Anniversary Meeting as follows :—

Professor Seton-Watson was prevented by illness from attending the meetings of the Society during the autumn of 1948 and was unable to deliver his address at the Anniversary Meeting on 11 December on the expiry of his term of office. On that occasion Sir Cyril Flower took the chair, and Professor C. R. Cheney read a paper on 'King John's reaction to the interdict on England'. In June 1947 the Treasurer had expressed the desire to resign his office, but had been persuaded to continue to hold it until the Council had found a successor to him. In June 1949 the Council, acting under the authority of By-law XIX, appointed Mr. T. F. Reddaway to the office, and they are now submitting the name of Mr. Reddaway to the Anniversary Meeting for election as Honorary Treasurer of the Society. Mr. Malcolm Letts held the office from 9 February 1939 to 11 June 1949; and the Society is much indebted to him for his care of its finances during these troubled years.

Representatives of the Society met the Master of the Rolls in November 1948 to discuss the issues raised by the proceedings of the conference held on 13 February 1948, to which reference was made in the last Report. Professor R. R. Darlington has been appointed to represent the Society on the British National Committee of the International Congress of Historical Sciences; and Dr. E. F. Jacob has been nominated by the Society as a member of the body set up by the Dean and Chapter of St. Paul's Cathedral to guide them in the development of the cathedral library.

On 29 April 1949 the Trustees of the National Portrait Gallery, with the Director and Senior Staff, held a reception at the Gallery for the members of the Society.

The following volumes were issued during the session : *Transactions, Fourth Series, Volume XXXI; The Gascon*

Calendar of 1322, edited by Dr. G. P. Cuttino ; and the *Cartulary of St. Mary Clerkenwell*, edited by Mr. W. O. Hassall. *The Gascon Calendar of 1322* was numbered Volume LXX of the *Camden Series* and assigned to the year 1942-43, completing the issue of volumes for that year. The *Cartulary of St. Mary Clerkenwell* was numbered Volume LXXI, and was issued in respect of the year 1943-44 ; it will be the only volume issued for that year.

At the end of the session, the manuscripts of six further volumes were in the printer's hands, and work had so far advanced on three of them that they should be issued during the twelve months ending June 1950. The Council have also approved for publication the following works : *A Journal of events during the Gladstone Ministry (1868-74)*, by the Earl of Kimberley, to be edited by Miss E. Drus ; *The Private Correspondence of Lord Macartney, Governor of Madras, 1781-85*, to be edited by Mr. C. C. Davies ; and *A Guide to the National and Provincial Directories of England and Wales (excluding London), published before 1856*, compiled by Miss J. E. Norton. The first of these will be issued as part of a *Camden Miscellany*, the second as a volume in the *Camden Series*, and the third as a volume in the *Guides and Handbooks* series.

The Council have decided that the collection of serial publications of original sources on English history in the library of the Society is by now so nearly complete that a catalogue of them would be useful to members of the Society and to a wider historical public. They have therefore approved for publication *A List of calendars and general collections of texts of English History in the Library of the Royal Historical Society*, to form a volume in the *Guides and Handbooks* series. Mr. E. L. C. Mullins has been appointed to prepare the catalogue. *Writings on British History, 1937*, and the *Bibliography of British History, 1714-89*, are in the press.

The following papers were read during the session 1948-49 :—

- 'Lord Burghley as Master of the Court of Wards, 1561-98.' By J. Hurstfield. (16 October 1948.)
- 'Currency manipulation in the middle ages : the case of Louis de Male, Count of Flanders.' By Professor H. Van Werveke. (13 November 1948.)
- 'King John's reaction to the interdict on England.' By Professor C. R. Cheney. (11 December 1948.)
- 'Some problems of English land-ownership in the 18th century.' By H. J. Habakkuk. (15 January 1949.)

'Anglo-Scottish relations, 1603-40.' By Miss C. V. Wedgwood. (12 February 1949.)

'The study of African history.' By J. W. Blake. (12 March 1949.)

'The Byzantine Empire in the 11th century; some different interpretations.' By Dr. Joan M. Hussey. (14 May 1949.)

Professor C. R. Cheney's paper was read in place of the Address which the President was prevented by illness from delivering. This Address, on 'Dynastic policies in the Balkans', will be printed in Volume XXXII of *Transactions*. The Alexander Prize was awarded to Miss E. Drus for her essay on 'The attitude of the Colonial Office to the annexation of Fiji'. Mr. D. P. Waley was awarded a *proxime accessit* for the same Prize. Miss Drus's essay was read at the meeting on 11 June; Mr. Waley has been invited to read his essay at the meeting of the Society on 12 November 1949. The annual garden party was held on 9 July 1949.

At the Anniversary Meeting held on 11 December 1948 Professor T. F. T. Plucknett was elected President on the expiry of the term of office of Professor R. W. Seton-Watson. Professor R. H. Tawney and Professor A. J. Toynbee were elected Honorary Vice-Presidents. The Vice-Presidents retiring under By-law XVII were C. T. Clay and Professor T. F. T. Plucknett. A further vacancy was caused by the resignation of Professor Helen M. Cam. Professor D. C. Douglas, Professor V. H. Galbraith and Dr. E. F. Jacob were elected to fill the vacancies. The members of Council retiring under By-law XVII were Professor C. R. Cheney, C. W. Crawley, Miss D. Whitelock and Professor C. H. Williams. Professor J. R. M. Butler, Professor Margaret Deanesly, Professor R. A. Humphreys and K. B. McFarlane were elected to fill the vacancies. Messrs. C. Ryland Beeby & Co. were appointed auditors for the year 1948-49.

Council record with regret the deaths of 19 Fellows and 1 Corresponding Member; amongst these, Council would mention specially Dr. A. F. Pollard, a member of Council from 1908 to 1917, a Vice-President from 1917 to 1922 and from 1923 to 1926, and an Honorary Vice-President from 1930 until his death; W. F. Reddaway, a member of Council from 1920 to 1924; and H. E. Ravenell, a Corresponding Member. 4 Fellows have resigned and 2 libraries have ceased to be Subscribing Libraries. 1 Fellow and 1 Associate have been removed from the Roll of Members, and 5 libraries have been removed from

the list of Subscribing Libraries, for non-payment of their subscriptions. 30 Fellows and 13 Associates have been elected and 16 libraries have been admitted as Subscribing Libraries. 2 Fellows have been re-instated and 2 Associates have been elected to the Fellowship. The membership of the Society on 30 June 1949 was 766 Ordinary Fellows, 1 Honorary Fellow, 19 Corresponding Members and 69 Associates. Of the Fellows 176 were Life Members. The Subscribing Libraries numbered 341. 23 Societies, British and foreign, exchanged their publications with those of the Royal Historical Society.

The form in which the financial business of the Society is presented has been amended in the interests of clarity and simplicity. The Treasurer reports that the income of the year from 1 July 1948 to 30 June 1949 exceeded the expenditure chargeable against it by £595 1s. 6*d.* This surplus has been allocated to Publications. The sum of £1,445 1s. 6*d.* has thus been granted for Publications, as against £1,050 in the previous year, making, with the addition of the proceeds of sales, an allocation to the Publication Fund of £1,706 8s. 9*d.*

ROYAL HISTORICAL SOCIETY

I.—INCOME AND EXPENDITURE ACCOUNT FOR THE YEAR ENDED 30 JUNE 1949

ESTABLISHMENT EXPENSES		£	s.	d.
Rent—96, Cheyne Walk	£202	2	0	
Rent—Warehousing of Stock		19	10	0
Rates		75	9	6
Insurances, less Commission		20	17	4
Repairs		4	10	0
Wages		53	0	0
Extra Service and Cleaning		22	11	2
Lighting and Heating		19	15	8
National Insurance		8	4	2
Catering		12	13	6
Sundries		7	8	7
		446	1	11
SECRETARIAL AND ADMINISTRATIVE EXPENSES				
Salary		450	0	0
Superannuation		48	15	0
Clerk's Salary (Part)		147	3	9
National Insurance		14	15	1
General Printing and Stationery (less Sales of Official Pamphlet £1 10s. 6d.)		95	4	2
Accountancy and Audit		34	13	0
Postages		45	18	5
Telephone		13	6	7
Travelling Expenses		2	0	0
Sundries		14	11	6
		866	17	6
OTHER CHARGES				
Friends of National Libraries		1	1	0
British Records Association		1	0	0
British National Committee of the International Congress of Historical Sciences		15	15	0
		17	16	0
LIBRARY		100	0	0
Grant				
PUBLICATIONS				
Director's Honorarium		180	0	0
Clerk's Salary (Part)		49	1	3
Other Secretarial Expenses		28	8	1
National Insurance		2	2	0
Publications Account:				
Grant		£850	0	0
Proceeds from sales (per contra)		261	7	3
transferred		1,111	7	3
		1,370	18	7
		2,801	14	0
BALANCE, BEING EXCESS OF INCOME OVER EXPENDITURE FOR THE YEAR transferred as a further grant for Publications.		595	1	6

ROYAL HISTORICAL SOCIETY

II.—BALANCE SHEET 30 JUNE 1949

FUNDS		INVESTMENTS	
£	s. d.	£	s. d.
Balances at 30 June 1949 as per Account III .	35,416 0 1	General Account (Market Value at 30 June 1949	£9,353 15 8
		£9,189 2s. 5d.)	
		Sir George W. Prothero Bequest (Market Value at 30 June 1949	22,379 8 4
		£20,841 11s.)	
			31,733 4 0
SUBSCRIPTIONS RECEIVED IN ADVANCE		CASH	
	58 15 7	Balances at Banks	
		Current Accounts	1,146 2 9
		Deposit Account	971 10 8
		Post Office Savings Bank	1,616 3 0
		Cash in hand	7 15 3
			3,741 11 8
NOTE: The Society also owns the Library, Furniture and Office Equipment at 96, Cheyne Walk, Chelsea, and a Stock of its own publications, the cost of which has been written off to Income and Expenditure Account.			
£35,474 15 8		£35,474 15 8	

We have examined the foregoing Income and Expenditure Account and Balance Sheet with the Books and Vouchers of the Society. We have verified the Investments appearing in the Balance Sheet. We report that the above Balance Sheet is, in our opinion, properly drawn up so as to exhibit a true and correct view of the state of the affairs of the Society, according to the best of our information and the explanations given to us, and as shown by the books of the Society.

C. RYLAND BEEBY & CO.,
Chartered Accountants, Auditors.

110/125 FINSBURY PAVEMENT, LONDON, E.C.2.

30 September 1949.

ROYAL HISTORICAL SOCIETY
III.—STATEMENT OF FUNDS 30 JUNE 1949

	Balance at the Beginning of the Year.		Grants and Additions during the Year.		Expenditure and Withdrawals during the Year.		Balance at the End of the Year.	
	£	s. d.	£	s. d.	£	s. d.	£	s. d.
The Sir George W. Prothero Bequest	.	22,378 11 11					22,378 11 11	
Life Subscriptions Fund	.	2,219 10 0	(a)	88 2 0		80 10 0	2,227 2 0	
Lease Renewal Fund	.	112 0 4			(b)		112 0 4	
Pension Fund	.	1,706 4 6			(c)		1,506 4 6	
Library Fund	.	188 11 11	(d)	100 0 0		182 7 6	216 4 5	
Publications Reserve Fund	.	1,150 10 6	(e)	110 0 0			1,150 10 6	
Publications Fund (f)	.	4,852 16 4		1,706 8 9		1,790 18 7	4,768 6 6	
'Writings on British History' Fund	.	900 0 0			(g)		650 0 0	
General Fund	.	4,226 9 11	(b)	80 10 0	(h)		2,406 19 11	
		<u>£37,734 15 5</u>		<u>£2,085 0 9</u>		<u>£4,403 16 1</u>	<u>£35,416 0 1</u>	

REFERENCES

- (a) Proportion of Life Subscriptions received during the year and required by By-Law IX to be invested.
 (b) Proportion of Life Subscriptions transferred to General Fund in accordance with By-Law IX.
 (c) Payment to Miss M. B. Curran.
 (d) Grant for the year.
 (e) Proceeds from sales during the year.
 (f) See Account IV.
 (g) Subsidy on 'Writings 1937'.
 (h) Book value of Furniture, Library and Stock of Publications written off.

THE DAVID BERRY TRUST

Receipts and Payments Account for the Year ended 30 June 1949

<i>Receipts</i>		<i>Payments</i>	
	£ s. d.		£ s. d.
BALANCE IN HAND, 30 JUNE 1948, BROUGHT FORWARD FROM LAST ACCOUNT, VIZ.:		Printing and Postages	2 2 4
Cash at Bank—Current Account . . .	£99 4 7		
" " Deposit Account	21 13 5		
Cash in hand	1 16 3		
£100 3% Defence Bonds (at cost) . . .	100 0 0		
£200 2½% Defence Bonds (at cost) . .	200 0 0		
Dividends on Investments per Charity Commissioners	422 14 3	BALANCE IN HAND, 30 JUNE 1949, CARRIED FORWARD, VIZ.:	
Interest on £100 3% Defence Bonds . . .	35 14 8	Cash at Bank: Current Account . . .	£141 4 5
Interest on £200 3% Defence Bonds . . .	3 0 0	" " Deposit Account	21 13 6
Interest on £200 2½% Defence Bonds . . .	5 0 0	" " in Hand	1 8 9
Interest on Deposit Account at Bank . . .	2 1 2	£100 3% Defence Bonds (at cost) . .	100 0 0
		£200 2½% Defence Bonds (at cost) . .	200 0 0
			464 8 8
			<u>£466 11 0</u>

We have examined the above account and find it correct.

119/125 FINSBURY PAVEMENT, LONDON, E.C.2.

30 September 1949.

C. RYLAND BEEBY & CO.,
Chartered Accountants, Auditors.

The late David Berry, by his Will dated the 23rd day of April 1926, left £1,000 to provide in every third year a gold medal and prize money for the best essay on the Earl of Bothwell, or, at the discretion of the Trustee, on Scottish History of the James Stuarts I to VI, in memory of his father, the late Rev. David Berry.

The Trust is now regulated by a Scheme sanctioned by the Chancery Division of the High Court of Justice dated the 23rd day of January 1930, and made in an Action 1927.A.1233 David Anderson Berry, decd., Hunter and another v. Robertson and another. This Society is now the Trustee, and the investments held on Capital Account consist of £634 17s. 2d. 3½% Conversion Stock and £540 13s. 2d. Treasury Stock 2½% 1973.

The Trustee will in every second year of the three-year period advertise in *The Times* inviting essays.

ALEXANDER PRIZE

The Alexander Prize was established in 1897 by L. C. Alexander, F.R.Hist.S. It consists of a Silver Medal awarded annually for an essay upon some historical subject. Candidates may select their own subject provided such subject has been previously submitted to and approved by the Literary Director. The essay must be a genuine work of original research, not hitherto published, and one which has not been awarded any other prize. It must not exceed 6,000 words in length and must be sent in on or before 31 January 1950.

LIST OF ALEXANDER PRIZE ESSAYISTS (1898-1949)¹

- 1898. F. Hermia Durham ("The Relations of the Crown to Trade under James I").
- 1899. W. F. Lord, B.A. ("The Development of Political Parties in the reign of Queen Anne").
- 1901. Laura M. Roberts ("The Peace of Lunéville").
- 1902. V. B. Redstone ("The Social Condition of England during the Wars of the Roses").
- 1903. Rose Graham ("The Intellectual Influence of English Monasticism between the tenth and twelfth centuries").
- 1904. Enid W. G. Routh ("The Balance of Power in the Seventeenth Century").
- 1905. W. A. P. Mason, M.A. ("The Beginnings of the Cistercian Order").
- 1906. Rachel R. Reid, M.A. ("The Rebellion of the Earls, 1569").
- 1908. Kate Hotblack ("The Peace of Paris, 1763").
- 1909. Nellie Nield, M.A. ("The Social and Economic Condition of the Unfree Classes in England in the Twelfth and Thirteenth Centuries").

¹ No award was made in 1900, 1907, 1910, 1911, 1913, 1914, 1921, 1946, 1948. The prize Essays for 1909 and 1919 were not published in the *Transactions*. No Essays were submitted in 1915, 1916 and 1943.

1912. H. G. Richardson ("The Parish Clergy of the Thirteenth and Fourteenth Centuries").
1917. Isobel D. Thornley, B.A. ("The Treason Legislation of 1531-1534").
1918. T. F. T. Plucknett, B.A. ("The Place of the Council in the Fifteenth Century").
1919. Edna F. White, M.A. ("The Jurisdiction of the Privy Council under the Tudors").
1920. J. E. Neale, M.A. ("The Commons Journals of the Tudor Period").
1922. C. E. Martin ("The English Establishments on the Gold Coast in the Second Half of the Eighteenth Century").
1923. E. W. Hensman, M.A. ("The Civil War of 1648 in the East Midlands").
1924. Grace Stretton, B.A. ("Some Aspects of Mediæval Travel").
1925. F. A. Mace, M.A. ("Devonshire Ports in the Fourteenth and Fifteenth Centuries").
1926. Marian J. Tooley, M.A. ("The Authorship of the *Defensor Pacis*").
1927. W. A. Pantin, B.A. ("Chapters of the English Black Monks, 1215-1540").
1928. Gladys A. Thornton, B.A., Ph.D. ("A Study in the History of Clare, Suffolk, with special reference to its development as a Borough").
1929. F. S. Rodkey, A.M., Ph.D. ("Lord Palmerston's Policy for the Rejuvenation of Turkey, 1839-47").
1930. A. A. Ettinger, D.Phil. ("The Proposed Anglo-Franco-American Treaty of 1852 to guarantee Cuba to Spain").
1931. Kathleen A. Walpole, M.A. ("The Humanitarian Movement of the Early Nineteenth Century to Remedy Abuses on Emigrant Vessels to America").
1932. Dorothy M. Brodie, B.A. ("Edmund Dudley, Minister of Henry VII").
1933. R. W. Southern, B.A. ("Ranulf Flambard and Early Anglo-Norman Administration").
1934. S. B. Chrimes, M.A., Ph.D. ("Sir John Fortescue and his Theory of Dominion").
1935. S. T. Bindoff, M.A. ("The Unreformed Diplomatic Service, 1812-60").
1936. Rosamond J. Mitchell, M.A., B.Litt. ("English Students at Padua, 1460-1475").
1937. C. H. Philips, B.A. ("The East India Company 'Interest,' and the English Government, 1783-4").
1938. H. E. I. Phillips, B.A. ("The Last Years of the Court of Star Chamber, 1630-41").

- 1939. Hilda P. Grieve, B.A. ("The Deprived Married Clergy in Essex, 1553-61").
- 1940. R. Somerville, M.A. ("The Duchy of Lancaster Council and Court of Duchy Chamber").
- 1941. R. A. L. Smith, M.A., Ph.D. ("The *Regimen Scaccarii* in English Monasteries").
- 1942. F. L. Carsten, D.Phil. ("Medieval Democracy in the Brandenburg Towns and its Defeat in the Fifteenth Century").
- 1944. Rev. E. W. Kemp, B.D. ("Pope Alexander III and the Canonization of Saints").
- 1945. Helen Suggett, B.Litt. ("The use of French in England in the later Middle Ages").
- 1947. Mrs. June Milne, B.A. ("The Diplomacy of Dr. John Robinson at the Court of Charles XII of Sweden, 1697-1709").
- 1949. Ethel Drus, M.A. ("The attitude of the Colonial Office to the annexation of Fiji").

DAVID BERRY PRIZE

The David Berry Prize was established in 1929 by David Anderson-Berry in memory of his father, the Reverend David Berry. It consists of a Gold Medal and Money Prize awarded every three years for Scottish History. Candidates may select any subject dealing with Scottish History within the reigns of James I to James VI inclusive, provided such subject has been previously submitted to and approved by the Council of the Royal Historical Society. The Essay must be a genuine work of original research not hitherto published, and one which has not been awarded any other prize. There is no limit to the length of the Essay. It must be sent in on or before 31 October 1949.

LIST OF DAVID BERRY PRIZE ESSAYISTS (1937-1943)¹

- 1937. G. Donaldson, M.A. ("The Polity of the Scottish Reformed Church c. 1560-1580, and the Rise of the Presbyterian Movement").
- 1943. Rev. Prof. A. F. Scott Pearson, D.Th., D.Litt. ("Anglo-Scottish Religious Relations, 1400-1600").

¹ No Essays were submitted in 1940. No award was made in 1946.

ROYAL HISTORICAL SOCIETY.
(INCORPORATED BY ROYAL CHARTER.)
OFFICERS AND COUNCIL—1949.

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Honorary Secretary.

PROFESSOR H. HALE BELLOT, M.A.

Literary Director.

P. GRIERSON, M.A., F.S.A.

Honorary Treasurer.

MALCOLM LETTS, F.S.A. (to 30 June 1949).
T. F. REDDAWAY, M.A. (from 1 July 1949).

Secretary and Librarian.

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Mitchell Library.
University.

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Grimsby Public Library.

Hastings Public Museum and Art Gallery, John's Place.
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Leicester Municipal Library, Wellington Street.
University College.

Lincoln, Lindsey County Library, Fairfield House, Newland.
Liverpool, Athenæum, Church Alley.

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University.

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- Montevideo, Instituto de Investigaciones Historicas, Universidad de Montevideo, Av. 18 de Julio 1824.

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Moscow, Library of Social Sciences of the Academy of Science of U.S.S.R.
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The Hon. Society of Cymmrodorion, 20 Bedford Square, W.C.1.
Surrey Archæological Society, Castle Arch, Guildford.
Jewish Historical Society, Mocatta Library, University College, Gower
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Société de l'Ecole Nationale des Chartes, 19 rue de la Sorbonne, Paris.
Société de l'Histoire de France, 60 rue des Francs-Bourgeois, Paris.

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Hansischer Geschichtsverein, Staats Archiv, Königstrasse 21, Lübeck.
Öffentliche Wissenschaftliche Bibliothek Tauchstelle, Unter den Linden 8,
Berlin, N.W.7.

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POLAND.

Société des Sciences et des Lettres de Varsovie, L'Université, Warsaw.

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SWITZERLAND.

Allgemeine Geschichtsforschende Gesellschaft der Schweiz. Stadt Bibliothek, Berne.

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- Domesday commemoration. Notes on the manuscripts, etc., exhibited at the Public Record Office. 1886. 5s. (*Out of print.*)
- Domesday studies. 2 vols. Edited by P. E. Dove. 1886. 24s. (*Out of print.*)
- England and Napoleon in 1803: being the despatches of Lord Whitworth and others. Edited by Oscar Browning. 1887. 7s. 6d. (*Out of print.*)
- Walter of Henley's Husbandry, together with an anonymous Husbandry, Seneschauie, and Robert Grosseteste's Rules. Edited by Elizabeth Lamond and the Rev. W. Cunningham. 1890. 12s.
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